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# The Internal Foe: Rethinking Slave Resistance in Antebellum America

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## Introduction

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On a wet July morning in 1861, a Virginian planter named Hilary Richardson began “hearing complaints from [his slaves] that William,” an unruly bondsman he had owned for more than a decade, “was not cutting his grain.”<sup>1</sup> At first, Richardson paid little heed. For he was “engaged in reading some newspapers... a short distance away”—perhaps engrossed in news of the unfolding conflict that had rent his nation and the commonwealth he called home asunder some two months earlier. But while Richardson endeavored to read undisturbed, the chorus of complaints from his slaves continued, until “after some delay,” the planter “concluded... to go and investigate the matter.”

Upon arriving at the oat field, Richardson observed that his slaves had not misled him. One among their ranks, William, was indeed lagging behind—markedly so. Yet the slave’s sluggish pace, even Richardson might have admitted, was not entirely without cause.

“One of [William’s] eyes was shut up” and the other “very much bloodshot” from a beating received earlier that morning, during which Richardson had broken as many as ten tobacco sticks over the slave. Blood dripped from William’s head and ears, trickling down the jagged ridges that criss-crossed his back—so numerous and so tightly knit that one observer described them as “almost a solid scab.” A constellation of shot holes, not yet healed from his most recent escape attempt, pockmarked the “small part of his back and legs.” And each aching footfall dragged an eight pound ball-and-chain—affixed there by Richardson as a deterrent against future escapes.

But rather than lay the blame for William’s pace on its most obvious source, Richardson accused the slave of negligence.

“That cradle<sup>†</sup> ain’t sharp, William,” said Richardson, according to the account of a nearby slave who witnessed the exchange.

“Yes, master, it is sharp,” countered William unyieldingly.

Richardson stepped toward the slave, grabbed “him by his fore fingers,” and “bent them back,” causing William to contort in pain. “If you don’t go down to the end of the row

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<sup>1</sup> Trial of Richardson’s William, Prince Edward County Court Order Book, 1861.

<sup>†</sup> “Cradle” refers to an agricultural tool used to reap grain. It consists of a scythe with wooden fingers running parallel to the blade.

and sharpen your blade,” he growled, “I will be compelled to whip you.”

With that, he released his grip and turned away, perhaps anticipating a leisurely return to his morning newspaper. William, however, stopped short his master’s departure.

“[I]n the winking of an eye,” William “rip[ped] his cradle round” and sent the long steel blade hurtling into Richardson’s knee—“opening the joint completely and discharging the fluids.” The wounded planter crumpled to the ground. An instant later, a terrified shriek reverberated throughout the oat field: “William ha[s] cut my leg off!”

According to those who witnessed the incident, Richardson was the only white person present during the attack. No son, nor wife, nor hired overseer stood by to rescue him. Rather, Richardson’s cry reached only the ears of the nine slaves working the field alongside William—none of whom, apparently, had reason to harbor a great deal of sympathy for their imperiled master. Most, if not all, had been routinely brutalized by the planter. Their first-hand accounts, recorded after the event, were replete with references to their master’s cruelty.

When asked about the beating William had received earlier in the morning—during which Richardson “had his foot on [William’s] head to hold him down” as he whipped him and broke tobacco sticks over his head and back—one slave, Dick, answered, “Master did not seem more severe than common.” Others recalled that when their master was feeling uncommonly severe, he would send for a pair of pliers to rip sound teeth out of the slave’s mouth. One slave, Ellick, described just such an occasion several weeks earlier. “All of the cutters could see the tooth pulling,” Ellick recalled. “[Afterward, master] whipped [William]... and carried him to the branch and washed him with salt water.”

Nor was William the only slave targeted for punishment. One slave offhandedly remarked, “[Master] whipped all of us.” Another recalled, “Sometimes master would threaten to kill others of his [slaves].”

Yet now, in a jarring reversal, the master whose cruelty knew no bounds lay hemorrhaging at the chained feet of his slave. The poetic justice of the moment was surely lost on Richardson as he cried for help. Nevertheless, after his call rang out, John, one of the nine slaves in the oat field, cast down his scythe and sprinted toward the commotion.

William, meanwhile, was struggling. His initial strike had failed to cut cleanly through Richardson’s leg. Instead, the blade of his cradle had lodged stubbornly in his master’s knee joint. For a brief interval, the slave stood hunched over the felled planter, twisting and turning the scythe’s long wooden handle, until finally he “drew his cradle out.” Then he “raised it up” and, with a swift jerk, sent the steel blade plummeting downward for a death blow.

But William’s blade never reached its target. A fraction of a second before its impact, an outstretched hand “caught hold” of the scythe and forced the onrushing weapon to a halt.

“William, what do you mean?” asked John, clutching the scythe’s handle and probably breathing heavily from his sprint across the field. But according to John, William

made no reply. Instead, William wrenched the scythe free from John's grip and swung the weapon again—but this time, “he struck most violently at John,” not at his master.

Once again, though, John caught hold of the scythe's wooden handle before it could reach its target. A brief struggle ensued. With their master watching helplessly, the two slaves grappled over the weapon that might spell his demise. According to John's recollection, the contest became so intense that he “broke [part of the handle] in keeping [William] from cutting [him] on the shoulder.” Eventually, however, William won out—freeing the scythe from John's grip with a powerful jerk. But instead of preparing for a second strike, William—perhaps realizing the futility of any further attempt to finish off his crippled master—began to retreat.

By now, however, William and John were not alone. According to Richardson, in the time elapsed during the two slaves' scuffle, “some four or five other slaves came to the assistance of John.” The gang of slaves began to encircle William, who, according to John, had “commenced backing down [a] hill... defending himself to keep us from taking him.” William's pursuers ordered him to stop and submit, but to no avail—the slave continued on his steady, defensive retreat. When their commands failed, John and the others escalated their efforts. One of the slaves threw a rock at William, but missed. Another, a slave named Phil, ran around William and struck him “about the head... with a rock about as big as [a] fist.”

Outnumbered, shackled, and wounded, it was not long before William resigned himself to defeat and capitulated to his pursuers. John and the others bound him with rope and led him inside a nearby barn—apparently without any further resistance from William. Some slaves left the plantation to alert the local authorities. Others remained behind to attend to their mutilated master and keep watch over William. Lawmen soon arrived to arrest the slave. Several months later, William was tried and condemned to death by the Prince Edward County Court.

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When I first encountered the full story of William's attack on Richardson, scrawled across timeworn pages of a nineteenth century trial transcript, I was reminded of a line I had once read in Kenneth Stampp's *The Peculiar Institution*.<sup>†</sup> “Since there are few reliable records of what went on in the minds of slaves, one can only infer their thoughts and feelings from their behavior, that of their masters, and the logic of their situation.”<sup>2</sup> Time and again while reading William's story, I found myself returning to those last five words: “the logic of their situation.” For although I was familiar with the literature on slave

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<sup>2</sup> Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 55.

<sup>†</sup> This is not to suggest that I was the first to uncover William's trial. That distinction belongs to Melvin P. Ely, who discusses it extensively in his book *Israel on the Appomattox*. Ely's discussion, however, focuses primarily on the events which followed William's arrest—not the behavior of John and the other slaves who suppressed William's attack on Richardson.

resistance, there seemed to be something about “the logic of [William’s] situation” that defied much of what I had learned from the scholarship.

Why, I wondered, had John raced across the oat field to rescue his cruel master, when it seemed that with no other authority figures present he could have turned a blind eye instead? Why had “some four or five other slaves c[o]me to the assistance of John?” And why had some of the “nine cradlers in the field” apparently not done so? Why had John and the “four or five other[s]” gone to such great lengths to prevent William’s escape, even after the armed escapee proved willing to defend himself against them with deadly force? And, perhaps most perplexingly of all, why had William, by all accounts, seemed eerily unsurprised by the unfolding of events? Why, in others words, had he not excoriated his fellow sufferers for thwarting his seemingly well-deserved chance at vengeance?

With those questions in mind, I returned to the literature. I reread the major works on slave resistance in search of an explanation. But at the end of a thorough review, I was left as puzzled as when I had begun. The closest resemblance to William’s story I was able to locate was the recurrence of slaves betraying large-scale conspiracies. Gabriel’s Rebellion had been devastatingly betrayed on the eve of insurrection by a pair of slaves. Denmark Vesey’s Rebellion, the New York Conspiracy of 1741, Boxley’s Rebellion, and numerous others had suffered similar fates. But beyond those rare, albeit important, exceptions the literature was conspicuously silent. It gave virtually no indication that the “behaviors” and “situations” on display in William’s story occurred with any regularity.

Silence, however, was not the literature’s only shortcoming. Indeed, my review of the scholarship made it increasingly apparent to me that the literature’s silence might merely be a symptom of a deeper-seated problem. For if understanding “what went on in the minds of slaves” required that historians “infer their thoughts and feelings from their behavior, that of their masters, and the logic of their situation,” it seemed to follow that an incomplete picture of the diverse “behaviors” and “situations” germane to slave resistance would lead, inevitably, to a distorted understanding of it. After all, as Stamppp reminds us, “[d]istortion results from exaggerating the frequency of [a certain] condition or dwelling upon one and ignoring the other.”<sup>3</sup> The more I read, the more I came to realize that my puzzled reaction to William’s story—my inability, in other words, to understand the “logic of [his] situation”—stemmed from more than the mere novelty of never having encountered its like in the literature. Almost all of the scholarship, it seemed, revolved around a particular set of “behaviors” and “situations” that bore little resemblance to those in William’s story. And, in the virtual absence of other “behaviors” and “situations” more consistent with William’s story, it appeared as if scholars had arrived at an understanding of resistance that “dwell[t] upon one [set of conditions] and ignor[ed] the other.”

By the end of my review of the literature, I had identified four prevailing patterns within the scholarship that I believed presented a distorted picture of slave resistance:

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<sup>3</sup> Kenneth M. Stamppp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 75.

1. Scholars routinely give short shrift to the nuanced and multifaceted realities of slave behavior by using analogies of warfare to depict slave resistance. Whereas once, vast slave insurrections were euphemistically belittled by pro-slavery historians as the mere “commotions” of an otherwise happy race, now, in seemingly opposite fashion, martial metaphors are interwoven into the literature with frequency enough to imply a state of seething, perpetual war between master and slave.<sup>4</sup> The plantation is commonly portrayed as “a battle” or a “battlefield” or a “tug of war” or an “epic clash” or a “clash of enemies” in which a veritable “army” “of the weak” waged “open warfare against [its] bondage” and made “daring thrusts for liberty” using “offensive weapons includ[ing] the slowdown, riding their master’s horses to death, stealing from him, and breaking his plows and hoes.”<sup>5</sup>

One casualty of this war is nuance. Although the succinct use of martial analogies undoubtedly serves an important purpose—particular in conveying the harrowing conditions that slaves in the Old South faced—their prevalence in the scholarship can, and often does, have the pernicious side effect of dehumanizing masters and slaves as mere faceless soldiers in opposing armies. Historians, in turn, become locked into a kind of reductionist mindset that instills in them the tendency to divide the plantation along speciously simple “battle” lines. The oppressed, generally depicted as a monolith of slaves united by a common “fraternity of bondage,” stand on one side, and their oppressors, the usual suspects, on the other—giving rise to sweeping generalizations such as:

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<sup>4</sup> Ulrich B. Phillips, “Racial Problems, Adjustments and Disturbances,” in *The South in the Building of the Nation* (Richmond, 13 vols. 1909-1913), Vol VI.

<sup>5</sup> See e.g., “While slaveowners won nearly all the great battles, slaves won their share of skirmishes...” “Planters parried the thrust...” “[S]laves... brought their fullest range of weapons to bear...” “...brutal contest between master and slave...” “...the most powerful weapon in their struggled against the slave...” “...slaves, pushed to the wall, had weapons of their own...” Ira Berlin, *Generations of Captivity: A History of African American Slaves* (Cambridge: 2003), esp 4, 157, 184, 205, 217; John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), esp 284-322; Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), esp 91-92, 367; Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge, 1988), esp ix-xi; Robert W. Fogel, *Without Consent or Contract: The Rise and Fall of American Slavery* (Ontario, 1989), esp 187. See also e.g., “...an ever-recurrent battle waged everywhere...” Harvey Wish, *American Slave Insurrections Before 1861*, reprinted in John H. Bracey Jr., August Meier, and Elliott Rudwick, *American Slavery: The Question of Resistance* (California, 1971), 31; “...dissident army...” “...a runaway army...” John H. Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York, 1999), 33; “...explosive combination of anarchy and absolutism...” “...gave masters potent weapons in the perpetual struggle with slaves...” James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York, 1990) p. 139, 152; “...a continual battle...” Paul Escott, *Slavery Remembered: A Record of Twentieth Century Slave Narratives* (Chapel Hill, 1979), 71; Herbert Aptheker, “Resistance and Afro-American History,” printed in Gary Y. Okihiro’s *In Resistance: Studies in African, Caribbean, and Afro-American History* (Amherst, 1986), 13 (see, “...much of the scholarship about slave resistance continues to be dominated by the conceptual framework and the focus presented by Herbert Aptheker more than a half century ago.” John H. Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York, 1999), xiv); “...a small but protracted war...” Marvin L. Michael Kay and Lorin L. Cary “They are Indeed the Constant Plague of Their Tyrants’: Slave Defense of a Moral Economy in Colonial South Carolina, 1748-1772” printed in Gad Huetman’s *Out of the House of Bondage: Runaways, Resistance, and Maroonage in Africa and the New World* (London, 1986), 38-39; “[Field slaves] attacked the plantation in a quietly cooperative and effective way...” Gerald W. Mullin, *Flight and Resistance: Slave Resistance in Eighteenth-Century Virginia* (New York, 1972), 60.

Since the slave viewed all whites as enemies, his master as a tyrant, and himself as being without protection before the law, he generally developed a strong sense of loyalty to all blacks.<sup>6</sup>

And on the very next page:

Often the slaves had to mask their feelings in their relations with their masters because of their attitudes towards whites. Most slaves hated and were suspicious of all whites.<sup>7</sup>

With this habit thus ingrained, the “logic” of slave resistance is rendered a mere epigram: as one historian begins the preface to his book, “As many slaves, so many enemies.”<sup>8</sup> As a result, analyzing resistance is reduced to a simple matter of detailing the “diverse and not always successful ways” the “army” of slaves undertook to engage their opponents.<sup>9</sup> Resistance, by implication, is restricted to a narrow set of conditions. It must feature a slave “attacking the conditions of [his or her] bondage” and, most importantly, it must not involve a slave attacking fellow bondsmen.

2. In addition to this martial mindset, scholars routinely present “rebelliousness” and “docility” as the only two behavior types that pertain to slave resistance. By way of example, a passage from John Blassingame’s *The Slave Community* is revealing:

[T]here was great variety in slave behavior. Some slaves were always docile, others were docile most of the time and rebellious at other times. Likewise, some resisted bondage throughout their lives in various ways, while others, generally

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<sup>6</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 314. See also e.g., “...the slave communities developed to the extent that their members’ conflicts with whites overshadowed discord among themselves.” Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge, 1988), 65; “...despite their internal differences, [slaves] had a common foe... Fear from above, as well as common experience, compelled slaves to stand together... [in the] struggled between master and slave...” Ira Berlin, *Generations of Captivity: A History of African American Slaves* (Cambridge: 2003), 196; “...the nationalism of the slave community was essentially African nationalism, consisting of values that bound slaves together and sustained them under brutal conditions of oppression.” Sterling Stuckey *Slave Culture: National Theory and the Foundations of Black America* (Oxford, 1987), ix; “...throughout the slave community a tradition of solidarity sustained and justified individual and collective forms of resistance.” James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York, 1990), 138; Walter C. Rucker, *The River Flows On: Black Resistance, Culture, and Identity Formation in Early America* (Baton Rouge, 2006), 118.

<sup>7</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 315.

<sup>8</sup> Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge, 1988), ix.

<sup>9</sup> Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge, 1988), 65.

docile, might be rebellious only once.<sup>10</sup>

Note that the passage begins with the nuanced description that “there was great variety in slave behavior,” but, by the very next line, restricts that “variety” to two adjectives: “rebellious” and “docile.” In the span of just two sentences, “great variety” is essentially reduced to two basic behavior types. And, ostensibly, these two types, in various combinations, are capable of describing every “variety” of slave behavior relevant to resistance.

So widespread was the use of this dichotomy by historians writing in the 1940s, 50s, 60s, and 70s that it is called “The Classic Debate”—a reference to a bygone era when pro-slavery historians, arguing for the inherent “docility [and] racial inferiority” of blacks, still held a seat at the table.<sup>11</sup> But while the debate has long since died out, and the once thriving species of pro-slavery historians has gone extinct, this artifact endures.<sup>12</sup> “Rebelliousness” and “docility” continue to set the boundaries of our understanding of slave resistance, and the habitual use of this dichotomy as a kind of synonym for “great variety” instills in future generations of historians the tendency to see the entire universe of slave behavior types as a mere binary. For example:

Abject submission was one extreme, violent rebellion the other, and the overwhelming majority of slaves established a pattern of behavior in the broad area between the two.<sup>13</sup>

The “logic” of slave resistance, according to this framework, amounts essentially to an either-or. At any given moment, a slave’s behavior can be categorized as either “rebellious” or “docile”—and some combination of these two basic elements suffices to encompass all established patterns of slave behavior.<sup>14</sup> Meanwhile, behaviors that conform to neither category—for instance, slaves betraying, denouncing, or actively suppressing a fellow sufferer in the midst of rebellion—go virtually ignored.

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<sup>10</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 320. See also e.g., Raymond A. Bauer and Alice H. Bauer, “Day to Day Resistance to Slavery,” reprinted in John H. Bracey Jr., August Meier, and Elliott Rudwick, *American Slavery: The Question of Resistance* (California, 1971), 5; Eugene D. Genovese, “Rebelliousness and Docility in the Negro Slave: A Critique of the Elkins Thesis,” *Civil War History*, XII (December 1967), p. 293-314.

<sup>11</sup> John H. Bracey Jr., August Meier, and Elliott Rudwick, *American Slavery: The Question of Resistance* (California, 1971), 5.

<sup>12</sup> See e.g., “...much of the scholarship about slave resistance continues to be dominated by the conceptual framework and the focus presented by Herbert Aptheker more than a half century ago.” John H. Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York, 1999), xiv.

<sup>13</sup> Peter J. Parish, *Slavery: History and Historians* (New York, 1989), p. 70.

<sup>14</sup> Marvin L. Michael Kay and Lorin L. Cary “‘They are Indeed the Constant Plague of Their Tyrants’: Slave Defense of a Moral Economy in Colonial South Carolina, 1748-1772” printed in Gad Hueman’s *Out of the House of Bondage: Runaways, Resistance, and Maroonage in Africa and the New World* (London, 1986), 38-39. See also e.g., “...resistance, not acquiescence, constitutes the core of history.” Gary Y Okihiro, *In Resistance: Studies in African, Caribbean, and Afro-American History* (Amherst, 1986), 8.



3. When seemingly non-conforming behaviors do arise in the literature, they too are generally made to fit within the “rebellious” vs. “docile” binary. For instance, a discussion of slaves reciprocating humane treatment by identifying with a kind master might be accompanied by a quotation from Frederick Douglass:

Beat and cuff your slave, keep him hungry and spiritless, and he will follow the chain of his master like a dog; but feed and clothe him well,—work him moderately—surround him with physical comfort,—and dreams of freedom intrude. Give him a *bad* master, and he aspires to a *good* master; give him a good master, and he wishes to become his *own* master.<sup>15</sup>

The underlying implication: that identifying with a master was simply a first step toward rebelliousness. Similarly, a discussion of slaves expressing affection for an oppressor might be explained away by scholars as:

[slaves] taking advantage of the superordinate’s misperception... to deceive or show [their] inner contempt for the superordinate and preserve [their] own autonomy.<sup>16</sup>

The underlying implication: that a slave’s apparent affection for an oppressor was actually a rebellious “ritual” of contemptuous deference. Likewise, when the subject of slaves who “identified completely” with their oppressors arises, it might be said that:

because of continuous surveillance, these slaves had to go through the ritual of deference so often that they... internalized the submissive role.<sup>17</sup>

The underlying implication: that the “Sambo’s” extreme “deferen[ce] and obsequious[ness],” paradoxically, were the result of too much rebellious deceit.<sup>18</sup> And while the rare house slave, admittedly, may have been susceptible to becoming a “Sambo,” field slaves seemingly hard at work, it is typically said, were far likelier to be “hostilely submissive” “eye servants” liable to rebelliously shirk their duties once beyond the watchful eye of a master or an overseer (recall, however, that William’s confrontation with Richardson began with “complaints from [his fellow slaves] that William was not cutting

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<sup>15</sup> Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 89-90. See also e.g., Ira Berlin, who cites an almost identical quote attributed to Douglass in *Generations of Captivity: A History of African American Slaves* (Cambridge: 2003), 230.

<sup>16</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 288.

<sup>17</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 304.

<sup>18</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 304.

his grain,” *despite their master’s efforts to ignore them*).<sup>19</sup>

4. So ingrained is the habit of thinking within the “rebellious” vs. “docile” binary that scholars routinely present the two behavior types as opposite “extremes” of a “spectrum” of behavior. But in reality, they are not. Any number of the above-cited quotes might serve as examples. Here is another:

Among the slaves, unyielding rebelliousness and utter docility were both exceptions to the general rule; the great majority of slaves maneuvered in the broad ground between these two extremes.<sup>20</sup>

Note how the juxtaposition of “rebelliousness” and “docility” carries the implication that one type of behavior functioned as the other’s antithesis. As a consequence, docility—which is routinely equated with mere “passivity”—becomes the perceived opposite of rebelliousness, when in fact the opposite of rebelliousness is the *suppression* of a fellow slave’s rebelliousness. If, for example, we were to replace John—the slave who thwarted William’s attack on Richardson—with a white man, historians would not consider the behavior docile. His behavior would be seen for what it was: an act of suppression.

Furthermore, the possibility that genuine “docility” might in some circumstances be considered a rebellious act—for example, a slave choosing to be docile in the face of another slave’s rebellion—is essentially overlooked. Rather, analyzing slave resistance is reduced to simple arithmetic: as Blassingame’s above-cited quote implies, literally counting the number of times slaves resisted bondage throughout their lives—which for some, “might be... only *once*.”<sup>21</sup>

My purpose in having drawn attention to these four patterns is not to unfairly pick on any one historian, nor to cherry-pick a few poorly-worded sentences from otherwise unassailable bodies of work. The descriptions and themes highlighted above are typical of the literature writ large. Of course, there are exceptions to these patterns. There may be, scattered sparingly throughout any given work, a few one-sentence caveats hinting at a more complex set of “situations” and “behaviors” germane to resistance. But, by and large, any such exceptions are drowned under a sea of formulaic, often binary, interpretations that seem to “dwell upon” one set of conditions and ignore any others.

Time and again throughout my review of the scholarship I found myself wondering: where did William’s behavior fit into the literature’s framework? His attempt on Richardson’s life was a rebellious act, no doubt. But what of his decision to strike at John?

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<sup>19</sup> Gerald W. Mullin, *Flight and Resistance: Slave Resistance in Eighteenth-Century Virginia* (New York, 1972), 53-64; Larry E Rivers, *Rebels and Runaways: Slave Resistance in Nineteenth Century Florida* (Chicago, 2012), 18.

<sup>20</sup> Peter J. Parish, *Slavery: History and Historians* (New York, 1989), p. 9.

<sup>21</sup> (Emphasis added).

Could attacking a fellow slave also be considered an attack against slavery? Where, too, I wondered, did John's behavior fit? He had certainly not acted like a rebel. Yet neither had he been docile in the face of William's resistance. According to Richardson's own description, John had only just managed "to get to [his] assistance before [William] could strike the second blow." And according to John's testimony, "William [had already] dr[awn] his cradle out from master and raised it up" for a killing blow when he "caught hold of it." A mere moment's hesitation, it seems, would have spelled the demise of a horrifyingly cruel master. But John did not hesitate. He rushed to protect his master, allowing time for "some four or five other slaves" to assemble and attack William, subdue him, and alert the local authorities. Yet notably, more slaves were present during the incident than John and the "four or five others." According to one witness, "[t]here were nine cradlers in the field" that day—indicating that some slaves in the immediate vicinity probably chose not to intervene. Where, I wondered, did their behavior fit into the literature's binary categories? Could being deliberately docile in the face of another slave's rebellion be considered an act of resistance?

With these questions in mind, I undertook to establish a context for William's story. I set out on a trial run through Virginia's antebellum court records in search of similar episodes that might shed new light on "the logic of [William's] situation." I compiled a database of every criminal trial featuring slaves between 1780 and 1865—over six hundred trials in total—from a cluster of four south-central counties: Henry, Pittsylvania, Bedford, and Halifax. Then, using William's example as a guide, I laid out several criteria I would use to determine whether a given trial merited further investigation.

First, it needed to have resulted in a guilty verdict.<sup>22</sup> In short, I wanted to investigate only crimes in which actual slave resistance—or, at least, resistance perceived as actual—had occurred, as distinct from unsubstantiated allegations.

Second, the documentary record of the trial needed to contain a thorough account of the crime that took place. Although this requirement may seem obvious, the vast majority of trials I examined lacked all but the barest of details. In most instances, the date of the offense, the name of the offender, and the verdict were extant, but a transcript of the witness testimonies or any other associated documents were not. For this reason, I steered my investigation toward slave crimes that resulted in capital punishment, as they were the only trials containing an extant transcript with any degree of consistency. Typically these trials involved murder, attempted murder, assault, poisoning, rape, and, on rarer occasions, theft.

Third, the offense committed needed to have been a "convictional" crime—a crime, to borrow a definition from Philip Schwarz, featuring behavior that was "in conflict with the criminal laws of the time" but otherwise "deriving from [what we might consider today to be] laudable or reasonable motives or convictions."<sup>23</sup> Much of the complexity of William's

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<sup>22</sup> There is one exception to this rule: the Trial of Cain, the last of this study. His not guilty verdict is apt, however, for reasons that will become apparent later.

<sup>23</sup> Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-186*, pg xii.

story, it seemed, stemmed from the fact that his crime was overwhelmingly “convictional” but that it, nevertheless, elicited opposition from his fellow slaves. It stood to reason, therefore, that other trials which I considered for investigation should share the same trait. Adherence to this criterion ruled out morally nebulous crimes such as rape, infanticide, and crimes involving slave victims.

With those criteria in place, I began whittling down my collection of trials. By applying the first criterion alone, my initial database of more than six hundred trials shrank by over two-thirds. Applying the second eliminated about half of the remaining pool. And by the last criterion, I was left with forty-four trials.

But despite the diminished pool, I discovered within those forty-four trials a vast array of behaviors largely ignored by the literature: behaviors that blurred the line between oppressor and oppressed, and behaviors that were neither docile, nor rebellious, nor anywhere in between—yet nevertheless deserved mention in any substantive discussion of resistance. I found evidence of slaves betraying conspiracies large and small, framing one another in criminal plots, double-crossing their rebellious accomplices, upending one another’s attempts to resist, falsifying evidence against a fellow slave, successfully implicating each other in fictitious crimes, and protecting even the cruelest of oppressors from peril. And with each episode uncovered, I understood William’s story anew. This thesis aims to document that process.

## A Note

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Nearly half a millennium ago, Montaigne warned of the historian's potential to ruin history by "chew[ing] our food for us." All historians, he wrote, are entrusted with deciding "what is worthy of mention." But, inevitably, some possess imperfect judgment. Such historians, he believed, "spoil everything." "For once their judgment leans to one side... [they] often conceal... [or] omit" facts that contradict their preconceived conclusions, even when such facts "might give us better information." As a result, they "fashion history to their own ideas" rather than to reality.

Montaigne's solution? To be either a truly "eminent historian" blessed with the uncanny ability to judge "exactly what deserves to be known" or, in the likelier event that one was not among the lucky few possessing this gift, to be a "simple historian" who "appl[ies oneself] with care and attention to the task of collecting every detail that comes to [one's] knowledge, and faithfully record[s] everything, without sifting or choice, leaving it entirely to [the reader's] judgment to discern the truth."

Cognizant of the fact that I do not fall into the philosopher's first category, I have instead embraced his directive aimed at the second. This study adopts what Montaigne might have called an *unchewed* approach to history. At its core, it is a kind of experiment in transparency, in which I have attempted to resolve the problem of "judg[ing]... what is worthy of mention" by simply judging that all—or, at least, as much as possible—is worthy.

I have selected six trials and recreated them as stories, making extensive use of the available primary source materials. In most cases, the documentary record associated with each trial is presented in its near entirety. The reader, in other words, has access to almost every detail of the record that I do. Moreover, I have tried, whenever possible, to let my own voice take a back seat to the voices of those who lived and breathed the actual events. The words contained in the court records, not my own, generally serve as the stories' central narrative device.

This study is no mere notebook dump, however. Following each story is a section titled *Interpretive Remarks* in which, again borrowing Montaigne's metaphor, I "chew" over the events of each story. In this section, divorced from the narrative, I provide my own analysis of the preceding story and attempt to situate it in our overarching understanding of

slave resistance (which sometimes involves reframing the scholarly consensus). Whereupon I leave it to the reader, as Montaigne put it, to “discern the truth” of my interpretation.

Of course, there are limitations to Montaigne’s ideal of “faithfully recording everything.” Selecting six trials for intensive examination, to cite just one example, requires that I exclude many others. But, ultimately, I hope that in adopting this somewhat pedantic approach I have succeeded, at least partially, in providing readers with ample food for thought, as well as the primary source material necessary to “chew” the food for themselves.

Finally, a disclaimer is essential. The cast of characters in the stories that follow features liars, informers, collaborators, perjurers, traitors, and their victims. It is, therefore, easy for the reader to mistake this study as passing some kind of moral judgment on its subjects. Emphatically, however, my intent is not to characterize any of the slaves featured in the stories as villains or evildoers. Their essence is not mine to judge. As the historian Philip Schwarz eloquently wrote, “I am left with no impression stronger than that I still know too little to pass off glib moral generalizations about people who lived through what I merely analyze and who suffered oppression that I never experienced.” I, too, share that impression.

# 1

## The Trial of Roger<sup>24</sup>

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In the quarters, the slave was rarely under the direct surveillance of his master. Here, he could be a man. He could express his true feelings and gain respect and sympathy in his family circle.

Masters frequently noted the sense of community in the quarters; they reported that slaves usually shared their few goods, rarely stole from each other, and the strong helped the weak. Whitemarsh Seabrooke asserted in 1834 that “between the slaves on the same plantation there is deep sympathy of feeling which binds them so closely together that a crime committed by one of their number is seldom discovered through their instrumentality.” Virginian G.W. Gooch contended that among the slaves, “the vice which they hold in the greatest abhorrence is telling upon one another.”<sup>25</sup>

John Blassingame, *The Slave Community*

“At a Court of Oyer and Terminer held at Pittsylvania Court house on the 28th day of April 1787,” a slave named Roger stood trial for “feloniously threatening, Plotting and Conspiring the Deaths of Robert Williams and Joseph Mottley,” two local slaveholders. Notably, the record of Roger’s trial indicates that neither man suffered harm as a result of the alleged murder plot and, furthermore, that neither was influential in bringing criminal charges against him. Rather, the accusation of “Plotting and Conspiring” murder apparently originated with a slave named Mat who, some weeks prior to the trial, notified authorities of an imminent plan by Roger to “administe[r] poison” to the two slaveholders.

Upon hearing Mat’s confession, authorities apprehended and jailed Roger. Soon

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<sup>24</sup> Trial of Roger, Executive Papers, Pardons, Edmund Randolph, 1787. Pittsylvania County Court Books, 1787.

<sup>25</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 315-316.

thereafter, when Roger's scheduled trial arrived, Mat served as the principal witness against the slave. Based on Mat's testimony, the Pittsylvania County Court convicted Roger and sentenced him to be hanged at the county gallows. The execution was scheduled for less than a month later.

When word of Roger's condemnation returned to the community, however, three slaves and "a free woman of color" approached Roger's owner, Jeremiah White, with a set of transformative revelations. They alleged that Roger's principal accuser, Mat, had perjured his testimony against Roger in a vengeful attempt to kill the slave. Mat, they claimed, had been motivated by a long-standing grudge against Roger and had repeatedly boasted in the slave quarters of his intention to "take a fals oath or sware to a ly to Hang Roger." Upon hearing the new evidence, Jeremiah White—who until then had apparently been reluctant to defend his slave—became convinced of Roger's innocence.<sup>26</sup> White informed Reubin Pain, a local magistrate who had presided over Roger's trial, and Jere White, a neighboring family member, of the revelations. Together, the three men hastily organized an effort to petition the Governor of Virginia on Roger's behalf. Less than two weeks later, a copy of Roger's trial transcript, alongside a petition contesting the court's verdict, arrived for Governor Edmund Randolph.

No record of the witness testimonies taken during Roger's trial exists today among the Governor's papers. Jeremiah White's petition was preserved, however. Its contents shed some light on the events that led to Roger's trial.

*To his Excellency Edmund Randolph Esq. Governor and commander in  
Chief of the State of Virginia*

*The Petition of Jeremiah White of the County of Pittsylvania Humbly  
sheweth That Roger a Negro Man Slave belonging to your Petitioner is now  
under a sentence of death as your Excellency will perceive by the record  
produced - That on the tryal of the said slave your petitioner was unadvised of  
the Witnesses whose depositions are also produced here to your Excellency to  
invalidate the Testimony of Negro Mat the property of Joseph Motley by whose  
testimony and his only your Petitioner's said slave was convicted. He therefore  
humbly prays that your Excellency will be pleased to take this case under your  
serious consideration, and in your great clemency and goodness grant a  
Reprieve to the said unfortunate Slave Roger. And your Petitioner as in duty  
bound will ever pray.*

*We the subscribers who sat as Magistrates on the tryal of the above  
slave Roger do certify that we verily believe the allegations of the above Petition  
to be true, and that it was by the Testimony of the above Negro Mat and his only  
the said Roger was convicted.*

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<sup>26</sup> Executive Papers, Edmund Randolph 1787. Petition of Jeremiah White. See e.g., "...your petitioner was unadvised of the Witnesses whose depositions are also produced here to your Excellency to invalidate the Testimony of Negro Mat."



*Reubin Pain*

[Signatures of the additional subscribers not extant.]

Accompanying White's short petition to the Governor were several hurriedly prepared depositions.

*Pittsylvania County*

*This is to certify that on the 7th of May 1787 came before me, Rubin Pain, a Justice of said County, Jack, a Negro Man Slave the Property of Ruit Brown and after being charged according to Law Deposeth and Sayeth as followeth: that he the said Jack heard Matte<sup>27</sup> a Negro Man Slave the property of J.S. Motley say he would be damned if he did not hang Roger a Negro Man Slave the property of Jeremiah White if he could, he then being in Jail in the County aforesaid, said his reason for attempting to Hang the said Roger was because the said Roger had made some discovery of some leather that the said Matte brought to Mrs. Maik to make into shoes that was supposed to be stolen and said that Roger had no business to have said any thing about the said Leather, given under my hand this 9th of May 1787*

*Ruben Pain*

*This is to certify that on the day above mentioned came before me Dall a Negro Woman Slave the property of Lewis Williams, and after being charged According to law, and deposeth and sayeth as followeth: that she heard the above mentioned Matte damn the aforesaid Roger and say that Roger was at the Court Houses then and he was going himself and that he would make a Rope and carry it with him that should hang the said Roger and that she under stood that he meant by the Rope it was the lies he would sware too against him and she under stood his Reason was for the leather afore mentioned, given under my hand this 9th of May 1787*

*Reubin Pain*

*Pittsylvania County*

*This is to certify that on the 7th of May came Mary Brown before me Rubin Pain a Justice for said County and after being sworn upon the Holy evangelist of Almighty God Deposeth and sayeth as followeth: that last August she heard Matte a Negro Man Slave the property of Joseph Mottley say that his Mistress Mrs. Mottley was the greatest Drunkard in this county and that if the*

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<sup>27</sup> The author of this document uses a different spelling of Mat's name.

*Sea was Brandy she would Drink it up, also that he was a Free Man and he was free last year but Joseph Mottley would not let him go, but that the said Joseph Mottley was going this year to send him to Petersburg with Tobacco and then he would Clear himself for his name was Chambers and that he would serve him no longer than this year ~ given under my hand this 9th of May 1787*

*Reuben Pain*

*Pittsylvania County*

*This is to Certify Chene a negro Woman Slave the Property of William Riburn came before me Justice White a Justice for said County and after being Charged according to law Deposest and Sayeth as followeth: that she heard Matte a Negro Man Slave the property of Joseph Mottley say that before Benjamin Tevey's Abram should be hurt, he would take a fals oath or sware to a ly to Hang Roger, the same Negro Man Slave now under the sentence of Death and that she heard said Matte say the above before the Trial of said Roger ~ given under my hand this 9th of May 1787*

*Jere White*

*Also the above Chene said that Matte said that David Mottley [an apparent relative of Joseph Mottley, one of the slaveholders Roger allegedly targeted] told him it would be no harm for him to sware a fals oath or to ly as he was not Christened ~ given under my hand this day above mentioned*

*Jere White*

Persuaded by Jeremiah White's petition, Governor Randolph reversed the verdict of the county court. He granted Roger a full reprieve and sent news of his decision to Pittsylvania County, where Roger was released from custody.

## **Interpretive Remarks**

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Using the depositions of Jack, Dall, Chene, and Mary Brown as a guide, let us attempt to reconstruct the events surrounding Roger's trial.

The chain of events leading to Roger's conviction for "Plotting and Conspiring"

murder apparently began with a far more commonplace transgression that occurred several weeks before the trial. A slave named Mat stole a piece of leather (or perhaps illicitly sold it—the wording makes it difficult to tell) and delivered it to a woman to have it “ma[de] into shoes.”<sup>28</sup> Not long after, another slave named Roger learned of Mat’s misdeed and decided to inform on him.<sup>29</sup> Acting on Roger’s information, authorities arrested Mat and probably punished him severely.<sup>30</sup> While behind bars, Mat apparently resolved to take deadly vengeance on his betrayer by implicating Roger in a fictitious murder plot. After being released from jail, Mat falsely accused Roger of planning to “administ[er] poison” to two local slaveholders, resulting in Roger’s arrest on charges of “feloniously threatening, Plotting and Conspiring” murder.<sup>31</sup> When Roger’s day in court arrived, Mat served as the principal witness against his fellow slave. Based upon his perjured testimony, the court convicted Roger and condemned him to death—which, it seems, is where the story might have ended, were it not for the intervention of three slaves and a free woman of color who gave the lie to Mat’s allegations, exposing him as a perjurer and spurring Roger’s eventual pardon by Governor Randolph.

The tangled chain of events outlined above puts on full display some of the limitations of the literature’s understanding of slave resistance. Suppose, for example, that we were to adhere strictly to the literature’s interpretive framework when analyzing Roger’s story. Our first step would be to identify those slaves who “rebelliously” “attacked the conditions of their bondage” and those who did not. Yet oddly, according to this interpretation, it would follow that Mat—the slave whose perjured testimony nearly killed his fellow bondsman—was the only slave to have actually “resisted.” After all, the entire incident apparently began when Mat stole a piece of leather—a behavior that was “rebellious” (not “docile”) and was apparently directed against the property of the “oppressor” (not the “oppressed”). But, importantly, Mat’s theft precipitated a complex series of reactions from his fellow slaves. And while the literature’s essentially binary interpretive framework is more than capable of explaining the initial act of resistance, it struggles to coherently explain many of the behaviors that followed.

This difficulty arises from the fact that some of the slaves in Roger’s story not only “attacked the conditions of their bondage,” but also attacked each other in a manner that ultimately reinforced the conditions of their bondage. Resistance, in other words, did not fit the neat, either-or categories typical of the literature, but instead proved to be myopic, multidirectional, and, ultimately, messy. Behaviors such as framing a slave for betraying an act of resistance, exposing a rebellious slave as a perjurer, or rescuing an informant from another slave’s disproportionate retaliation cannot be explained in terms of “rebelliousness”

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<sup>28</sup> See e.g., “...the said Roger had made some discovery of some leather that the said Matte brought to Mrs. Maik to make into shoes that was supposed to be stolen and said that Roger had no business to have said any thing about the said Leather.”

<sup>29</sup> See *id.*

<sup>30</sup> See e.g., “...he then being in Jail in the County aforesaid.”

<sup>31</sup> See e.g., “...he would take a fals oath or sware to a ly to Hang Roger.”

versus “docility,” nor “oppressor” versus “oppressed.” Rather, they require an interpretive framework capable of addressing behaviors that fall outside of these binary categories.

This study, therefore, broadens the literature’s current definition by splitting “resistance” into two separate, albeit interconnected, categories: *direct* resistance and *inverted* resistance. The term *direct* resistance will refer to resistance as it is commonly defined in the literature: slave behavior that was inherently “rebellious” and that was aimed at “attack[ing] the conditions of their bondage.” But, unlike the literature’s definition, this distinction also acknowledges that, in attacking the conditions of their bondage, slaves sometimes attacked their fellow slaves. Alternatively, the term *inverted* resistance will refer to slave behavior that was not rebellious, but rather aimed to punish, prevent, thwart, or distort *direct* resistance.

When we apply this new interpretive framework to the events, a more discernible pattern of cause and effect seems to emerge. An initial act of *direct* resistance—namely, Mat’s theft of the leather—was met by *inverted* resistance—namely, Roger’s decision to punish Mat by reporting the theft. Roger’s *inverted* resistance, in turn, provoked an act of *direct* resistance from Mat. In a response that paralleled William’s decision to swing his scythe at John, Mat attacked Roger for reinforcing the conditions of his bondage. He retaliated against Roger by framing him in a fictitious poisoning plot. Once again, though, Mat’s *direct* resistance was met by *inverted* resistance from his fellow slaves. Jack, Dall, and Chene informed against Mat, claiming that he had perjured his testimony against Roger. By this stage in the events, however, their motivations for engaging in *inverted* resistance surely differed from Roger’s. Indeed, the fact that the three slaves kept quiet until the announcement of Roger’s condemnation could indicate that they initially supported Mat’s *direct* resistance, and only intervened because they considered Roger’s subsequent death sentence to have been disproportionately severe.

Furthermore, when we superimpose this same framework onto William’s story described in the introduction, this pattern—a kind of feedback loop of resistance—repeats. When William engaged in *direct* resistance by attempting to kill his master, he was met with *inverted* resistance—namely, John coming his master’s aid. John’s *inverted* resistance was, in turn, met by *direct* resistance. William attacked John when the slave intervened to protect his master. But William’s *direct* resistance was, once again, met by *inverted* resistance. John, as well as several other slaves, violently subdued William and summoned the local authorities to arrest him.

Similar patterns, as we will continue to observe, recur frequently throughout this study.

## 2

### The Trial of Abram<sup>32</sup>

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Do not open your lips; die silent, as you shall see me do.

Denmark Vesey, 1822

In late spring of 1802, Governor James Monroe issued a directive instructing Virginian authorities to root out key “parties” involved in what he feared was an imminent slave insurrection. Acting under Monroe’s orders, Halifax County authorities detained “a large number” of slaves near a crossing known as Booker’s Ferry on the Staunton River. Each detainee was isolated and interrogated. “[W]ithout prodding and without beatings,” a number of them confirmed Governor Monroe’s gravest suspicions. They confessed knowledge of a vast slave conspiracy intending to reignite the flames of Gabriel’s failed uprising some two years earlier. Many of the detainees also implicated their fellow slaves in fomenting the plot.

With the information gleaned from their interrogations, Halifax authorities soon arrested thirteen slaves, some of whom were among those originally detained at Booker’s Ferry. All thirteen were imprisoned and “charged with feloniously consulting and conspiring to make insurrection.”

By the first of May, 1802, ten of the alleged conspirators—Sancho, Frank, Jim, Phebe, Absolom, Martin, Bob, Sam, Ned, and Jacob—had received their verdicts from the Halifax County Court. Sancho, the alleged progenitor of the conspiracy, as well as Frank, Absolom, and Martin would hang in two weeks’ time. The remaining six had been acquitted. Now, a slave named Abram, the eleventh on the docket, stood poised for trial.

Despite the frightening charges he faced, however, Abram may well have been confident he would receive a lenient sentence. In the lead-up to the trials, he had

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<sup>32</sup> Trials of Sancho, Frank, Jim, Phebe, Absolom, Martin, Bob, Sam, Ned, Jacob, Charles, and David, Halifax County Court Order Book, 1802; James Monroe, Executive Papers, 1802; James Monroe Executive Letterbook, 1800, 1802.

cooperated extensively with Halifax authorities, earning himself special treatment and separation from his alleged co-conspirators while in custody. By the date of his trial, Abram cut a familiar figure in the Halifax County Courthouse. He had served as the principal witness on behalf of the Commonwealth against Sancho and Frank—both of whom were condemned to death as a result—and had also testified against a third slave, Phebe, who was ultimately acquitted.

The first witness summoned to testify in Abram's trial was a slave named Bob. Bob had been among the thirteen slaves originally arrested, but had received an acquittal several days before. His testimony was recorded as follows:

*Bob the property of John Sandifer of Charlotte being charged saith that the prisoner came over to his, the deponents, house on a Sunday about four or five weeks before Easter in the morning and solicited him, the witness, to join with him and the other negroes to fight the white people. That in the evening of the same day he saw him again and had like conversation. That he the prisoner also informed him that on the fryday night before Easter he, the said prisoner, intended to kill his master William Smith and on the succeeding saturday night he was to join the other conspirators at the seven Islands and solicited him, the witness, to meet them there and to command them. This was about one or two o'clock in the afternoon. And further saith that the foregoing conversation happened at three different times. Once when Mr. Daniel Perkins and Hubbard's Jack came over with said prisoner as aforesaid. And also on the evening of the same day as related. And also at another time to wit. The Saturday following then the prisoner was alone, and that they were so in conversation about one and a half hours on the first day and at the last time about two hours. And further saith not.*

Abram's own brother, a slave named Robin, testified next. Robin was not among the thirteen jailed slaves nor was he implicated in the conspiracy. His account was recorded as follows:

*Robin, brother to the prisoner, and a slave the property of William Smith being duly charged saith that on monday before good fryday last, he and the prisoner were in conversation as they worked together when the said prisoner informed him the witness that he and a number of other negroes had agreed together to rise and kill all the white people. That a negro named Sancho belonging to Mr. Booker and Wilborne's Humphrey had persuaded him to do so. On the witness asking Abram if he intended to join, he answered yes, and used every argument in his power to induce him, Robin, to join in it which he refused. He also saith that the prisoner informed him they were to begin on Saturday night before Easter at Daniel Dejarnett's ordinary and to get as many armes of guns, scythes, blades, swords, and clubs as they could and to get as many to join them as possible of the largest and likeliest fellows. And as they went on to choose them*

*wives of the likeliest white women and to kill such negroes as refused to join them. That said Abram also told the deponent that they would kill him if he did not join and declared that they would kill all as they went, except as aforesaid.*

The third and final witness was a white man named Daniel Parkins. His testimony was recorded as follows:

*Daniel Parkins being sworn saith that some time before Easter, how long he cannot exactly recollect, upon a sunday he went over the river Stanton with the prisoner and Hubbard's Jack to carry a bottle which he before had borrowed of Mr. Roach where Sandifer's Bob has a wife and where he saw said Bob. That he continued there about an hour as well as he remembered; during which time he thinks the prisoner was mostly with him, and also returned with him over the river some time before the middle of the day. That after that he knows not where said Abram was. He also saith that that the distance from the residence of the prisoner to where Bob was on that day is about a mile and a half. But that he parted with the prisoner in his return home on the day aforesaid, about a mile distant from said place.*

After Parkins's testimony, the presiding justices deliberated and arrived at their verdict. Unanimously, they sentenced Abram to death. In their view, the slave's previous cooperation was apparently overshadowed by the extensive involvement in the conspiracy that the testimony imputed to him. Abram was scheduled to hang on the 15th of May alongside his four condemned co-conspirators, two of whom he had personally denounced in court. His trial transcript, as well as those of his co-conspirators, was copied and mailed to Governor James Monroe.

Upon review of the records, Monroe may have been reminded of the sentiments expressed by then Vice President Thomas Jefferson, at the height of the insurrection panic inspired by Gabriel's betrayed rebellion some two years earlier. In a personal letter to the governor, Jefferson had written:

*Where to stay the hand of the executioner is an important question. Those who have escaped from the immediate danger, must have feelings which would dispose them to extend the executions. Even here, where every thing has been perfectly tranquil, but where a familiarity with slavery, and a possibility of danger from that quarter prepare the general mind for some severities, there is a strong sentiment that there has been hanging enough. The other states & the world at large will for ever condemn us if we indulge a principle of revenge, or go one step beyond absolute necessity.*

With the "world at large" and all of posterity watching, Monroe did not act upon Jefferson's past advice. No reprieve arrived for Abram, nor for any of his co-conspirators. All five were hanged in Halifax.

## Interpretive Remarks

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Eugene Genovese defines slave insurrections as essentially “struggle[s] for freedom,” arguing that they “emerged as the basic assertion of human dignity and humanity itself.”<sup>33</sup> The inherent appeal that such a struggle might have held among slaves—regardless of their own willingness to participate—is seemingly self-evident. As a consequence, intuition might tempt us to imagine that slave rebellions were among the least likely of acts to encounter *inverted* resistance.

But note, for instance, how casually Robin remarks in his testimony that Abram, his own brother, threatened “to kill him” and “all other such negroes who refused to join” the conspiracy. Although we cannot be certain that this exchange actually happened, Robin’s assertion that it did evinces the very real dread of one’s fellow sufferers that haunted slave insurrectionaries throughout America’s antebellum history. Indeed, the number of betrayals associated with the Halifax conspiracy alone—itsself relatively minor by comparison—is a chilling reminder that these fear were not unfounded.

By the time authorities apprehended the thirteen slaves in Halifax, the state of Virginia had already hanged five slaves and exiled another from the United States for their alleged involvement in the conspiracy. All six, like the Halifax conspirators, had been betrayed by other slaves. Five more, as we already know, would hang in Halifax—denounced by Abram, Bob, Robin, and at least three other slaves who testified in the remaining trials. The true number of informants, however, may well have been higher, as the Halifax county court clerks only preserved the witness testimonies of the trials resulting in guilty verdicts—meaning that seven of the thirteen trials ending in acquittals could have involved additional slave witnesses.<sup>34</sup>

Outside the confines of the Halifax courthouse, the number of informants was even greater. Correspondence between Monroe and local authorities indicates that other slaves throughout the state informally tipped off whites to the conspiracy.<sup>35</sup> Moreover, the deaths

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<sup>33</sup> Eugene D. Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge, 1979), xiii, 1.

<sup>34</sup> The diverse witness pool of the extant trial transcripts strongly suggests that there were additional informants who testified in the seven trials ending acquittals.

<sup>35</sup> James Monroe, Executive Papers, 1802; James Monroe, Executive Letterbook, 1802.



did not end in Halifax. Shortly after Abram and his cohorts were hanged, another slave, Lewis, was apprehended and interrogated in Nottaway County.<sup>36</sup> When Lewis initially refused to cooperate, authorities “severely whipped” him—eventually extracting a confession that implicated several other slaves in the plot.<sup>37</sup> Despite its dubious origins, the information he divulged resulted in the arrests and trials of at least four more slaves. Three of the four received a death sentence.

The grim death toll resulting from these betrayals raises the question: why was the Halifax conspiracy so vulnerable to *inverted* resistance? Lewis’s confession elicited under torture brings to mind a relatively obvious explanation. So do the confessions of several other slaves who only informed on their peers after themselves being implicated and subsequently interrogated by authorities—usually under frightening conditions that would have led them to fear for their well-being. But what of the others? What of those who apparently denounced their fellow slaves, as one local lawman put it, “with [few or] no threats or promises... used to frighten [them] or persuade [them] to a confession, nor any punishment inflicted for that purpose?”

According to the historian Douglas Egerton, who has written extensively on the Halifax conspiracy, Abram’s example offers a potential explanation. Egerton writes that Abram’s “cynical” transformation from co-conspirator to informant shows that, “when faced with defeat,” privileged slaves—such as “literate or hired bondsmen” were more likely to turn informer because of their “eager[ness] to save what few privileges they possessed—as well as their lives.”<sup>38</sup> An examination of Egerton’s sources, however, shows that his appraisal of Abram’s “privileged” status was incorrect. Egerton either misquotes or misrepresents almost every document he cites in making this assertion.<sup>39</sup> Using his same source material, I was unable to locate any compelling evidence of Abram’s supposed position of privilege.

But whatever Abram’s true status, Egerton’s argument falls short for a more obvious reason: as noted above, Abram was but one on a long, diverse list of slaves—both privileged and unprivileged—all of whom contributed to the conspiracy’s downfall and its grisly aftermath. Given the sheer number and variety of informants associated with the Halifax conspiracy, focusing on any single characteristic—particularly one so narrow as

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<sup>36</sup> Confession of Lewis, May 5, 1802.

<sup>37</sup> Arthur Farrar to James Monroe, June 12, 1802; Grief Green to Peterson Goodwin, May 1, 1802, Executive Papers, 1802.

<sup>38</sup> Douglas Egerton, *Gabriel’s Rebellion: The Virginia Slave Conspiracies of 1800-1802* (Chapel Hill, 1993), 139.

<sup>39</sup> Egerton writes that during Abram’s trial “Robin [testified] that Abram routinely ‘went over the river Stanton’ to speak about business.” But as evidenced from the witness testimonies above, the quotation mentioning the Stanton river actually belongs to Daniel Perkins. Perkins’ testimony indicates that Abram accompanied him once while completing some chores. But whether this occurrence was “routine” or involved “speaking about business”—as Egerton claims—is far from certain. In fact, Bob’s testimony seems to confirm that the river crossing only occurred once (*see e.g.*, “Once when Mr. Daniel Perkins and Hubbard’s Jack came over with said prisoner as aforesaid.”), Douglas Egerton, *Gabriel’s Rebellion: The Virginia Slave Conspiracies of 1800-1802* (Chapel Hill, 1993), 140.

“status”—seems needlessly myopic. Moreover, even a cursory glance at the historical record makes plain the fact that American slaves of diverse status, geography, sociocultural background, and time period betrayed the conspirators in their midst with marked regularity. The 1741 New York Conspiracy, Gabriel’s Rebellion, Boxley’s Rebellion, and Denmark Vesey’s Rebellion—to name a few—all fall into this category.

Yet one need only observe the perfunctory treatment that conspiracy betrayals receive in the literature to understand why unsupported arguments such as Egerton’s arise. Historians of slavery—many of whom are, themselves, veterans of a kind of historiographical insurrection against entrenched white supremacists—are conspicuously tight-lipped when it comes to the subject of betrayals. Not unlike pro-slavery historians who once made a habit of downplaying slave insurrections as the mere “commotions” of an otherwise happy race, more recent generations of scholars have taken to euphemizing betrayed conspiracies as “aborted,” “frustrated,” “unreveled,” “uncovered,” “discovered,” or even “accidentally revealed.”<sup>40</sup> When the delicate subject is addressed directly, it often receives no more than a sentence or two’s inquiry, then promptly disappears from the discussion as if merely a peripheral issue.<sup>41</sup> Some exceptionally probing historians, Eugene Genovese among them, might devote as much as an entire page of coverage to the subject—albeit that much from a book containing some two hundred pages.<sup>42</sup> Other historians discuss betrayals in fitting detail, but get their facts wrong entirely. For example, in his book *Gabriel’s Conspiracy*, Philip Schwarz writes:

While the actions of Gabriel [Prosser] and his allies met with failure, it does not follow that their plan was futile. They could not have foretold the torrential rain that prevented them from gathering to assault Richmond on the night of August 30, 1800. It was that unanticipated natural disaster that forced the rebellion’s leaders to plan to reconvene the following night. But a factor that is feared as much by military planners as it was by the enslaved revolutionaries came into play. If the battle plan is blocked, *people gain time to rethink their plans and*

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<sup>40</sup> Eugene D. Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge, 1979), 4, 44; John H. Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York, 1999), 12, 77; James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York, 1990), 154; Dwight L. Dumond, *Antislavery: The Crusade for Freedom in America* (Ann Arbor, 1961), 114.

<sup>41</sup> See e.g., Ira Berlin, *Generations of Captivity: A History of African American Slaves* (Cambridge: 2003), esp 203; Walter C. Rucker, *The River Flows On: Black Resistance, Culture, and Identity Formation in Early America* (Baton Rouge, 2006), esp 140; Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), esp 133-136; Gerald W. Mullin, *Flight and Resistance: Slave Resistance in Eighteenth-Century Virginia* (New York, 1972), esp 146, 161; Merton Dillon, *Slavery Attacked: Southern Slaves and Their Allies 1619-1865* (Baton Rouge: 1990), 59, 157; Midori Takagi, *Slavery in Richmond, Virginia, 1782-1865* (New York: 1994), 70-71; Harvey Wish, “American Slave Insurrections Before 1861” printed in *From Freedom to Freedom* (New York: 1977), 201

<sup>42</sup> Eugene D. Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge, 1979). Egerton, ironically, is a rare exception to this rule, but his reckless use of source material, as is evidenced by this study and others (see, e.g. Walter C. Rucker’s *The River Flows On* at p. 135) renders his analysis of little import.

*motives*. Some men who had agreed to join the conspiracy decided to become informers. Made aware of the plot, Governor Monroe called out the state's militia units to prevent any subsequent insurrectionary action and to capture the suspects. This dramatic change in the rebels' fortunes led to their downfall...

[Note: the record shows that the conspiracy was, in fact, betrayed the morning of August 30th (if not earlier), long before the evening downpour.<sup>43</sup>]

Other historians get their facts right, but gloss over the betrayals completely. Seemingly bent on depicting a mythical state of perfect rebelliousness, or perhaps simply echoing the bad habits already ingrained in the scholarship, they describe conspiracies that collapse as if by magic. One such historian, Peter Hinks, writes:

On the night of 30 August 1800, [Gabriel and his co-conspirators] planned to attack Richmond from various points, and would probably have done so had not a torrential rainstorm washed out all the bridges as the rebels massed outside the town. While this conspiracy *failed*, its momentum led to further organizing among slaves in southeastern Virginia and northeastern North Carolina, which fostered a number of plots and small uprisings in the region in 1801 and 1802. Although, *once again none was successful in mounting a rebellion or threatening slavery*, the statement of one rebel—"They shall know the birth of liberty is as free for us as for themselves"—made vivid to local slaveholders the aspirations and restlessness of many of their human chattel and filled them with dread.<sup>44</sup>

It is telling that Hinks neglects to mention that the "dread" of rebellion that slaveholders felt at the turn of the nineteenth century was surely offset, at least to some extent, by the reassurance they felt from knowing that two major insurrections in three years had failed, not simply because of a "torrential rainstorm" or because "none was successful[ly]... mounted" but because elements of the slaveholders' "internal foe" had sounded the alarm. So, too, is it telling that Hinks overlooks the "dread" that such betrayals

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<sup>43</sup>Correspondence between William Mosby and James Monroe reveals that Pharaoh and Tom betrayed the rebellion by at least "10 or 11 o'clock" on the morning of the planned uprising. According to their own reports, Mosby Shepherd and William Mosby had long since "communicated the news" to authorities and were actively patrolling when the downpour began later that evening. The myth that the storm somehow precipitated the conspiracy's betrayal—one which continues to circulate throughout the literature—seems to owe its existence to the, once again, peculiar interpretive methods of Douglas Egerton, who appears to have misrepresented the evidence. Puzzlingly, Schwarz himself documents some of the contradictory evidence later in his book, but perpetuates the myth regardless. Philip J. Schwarz, *Gabriel's Conspiracy: A Documentary History* (Charlottesville, 2012), xii; Douglas Egerton, *Gabriel's Rebellion: The Virginia Slave Conspiracies of 1800-1802* (Chapel Hill, 1993). See also e.g., T. Stephen Whitman, *Challenging Slavery in the Chesapeake: Black and White Resistance to Bondage, 1775-1865* (Baltimore, 2007), 88.

<sup>44</sup> (Emphasis added) Peter P. Hinks, *David Walker's Appeal to the Coloured Citizens of the World* (University Park, 2000), xix. See also e.g., Dwight L. Dumond, *Antislavery: The Crusade for Freedom in America* (Ann Arbor, 1961), 114; Stephen B. Oates, *The Fires of Jubilee: Nat Turner's Fierce Rebellion* (New York, 1975); Vincent Harding, *There is a River: The Black Struggle for Freedom in America*, reprinted in Kenneth Greenberg's *Nat Turner: A Slave Rebellion in History and Memory* (New York, 2003).

undoubtedly caused slaves to feel toward an “internal foe” of an altogether different variety.

It is the rare historian, it seems, who devotes any sustained attention to what is perhaps the most intriguing and insight-rich facet of most American slave conspiracies: their betrayals. And when those historians do, their explanations, much like Egerton’s, are often insufficient.<sup>45</sup> For example, Nicholas Halasz writes:

Peter Poyas [one of the leaders of Denmark Vesey’s Conspiracy] had one rule of thumb for the plot: “Don’t mention it to those waiting-men who received presents of old coats from their masters, or they’ll betray us.” Most previous conspiracies had been betrayed by domestic servants. As part of the white man’s household, they had a special function. They had shed the anonymity of the field slaves, assumed individuality, and entered into a human relationship with the master’s family. They were, of course, anxious to keep the privileged position they enjoyed by gaining the trust of white families.<sup>46</sup>

Another historian, Robert Starobin, presents a seemingly contradictory theory:

Popular mythology holds that the so-called “house nigger” group usually betrayed revolts; but in [the case of the Denmark Vesey Conspiracy] the informers came from various backgrounds... [T]he evidence suggests that a revision of the traditional role assigned to house servants is in order.<sup>47</sup>

Another, T. Stephen Whitman, this time discussing Gabriel’s Rebellion, writes:

At [Governor James] Monroe’s urging, the legislature authorized Pharoah’s [the chief betrayer of Gabriel’s Rebellion] purchase at public expense in order to free him. Pharoah subsequently bought the freedom of his wife and son. For him, co-operation and pursuit of self-interest paid off.<sup>48</sup>

While some of these terse, not infrequently one-sentence-long, explanations are somewhat satisfying, the record of the Halifax conspiracy hints at a far more complex array of motives capable of influencing a slave’s decision to betray a fellow sufferer. Consider, for example, the testimonies of Bob and Robin against Abram. There is ample reason, it seems, to believe that Bob’s betrayal of Abram was, paradoxically, a rebellious act of *direct* resistance. The chance to denounce Abram in court, after all, offered Bob the opportunity

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<sup>45</sup> Michael L. Nicholls’s *Whispers of Rebellion: Narrating Gabriel’s Conspiracy* is among this category, though the author is keen to admit it.

<sup>46</sup> Nicholas Halasz, *The Rattling Chains: Slave Unrest and Revolt in the Antebellum South* (New York, 1966), 125.

<sup>47</sup> Robert S. Starobin, *Denmark Vesey: The Slave Conspiracy of 1822* (Englewood Cliffs, 1970), 5.

<sup>48</sup> T. Stephen Whitman, *Challenging Slavery in the Chesapeake: Black and White Resistance to Bondage, 1775-1865* (Baltimore, 2007), 89. His theory is seriously complicated by Michael L. Nicholls’s analysis in *Whispers of Rebellion: Narrating Gabriel’s Conspiracy* (Charlottesville, 2012), 143-145.

to attack the chief betrayer of the Halifax conspiracy while simultaneously, and with no shortage of irony, being cheered on by more than a few bloodthirsty whites. Bob may well have welcomed that chance. If so, it would seem that his decision, like Mat's more than a decade before, and like William's more than half a century later, may have been an act of retaliation against *inverted* resistance—in this instance, against a slave who he perceived as a treacherous informant.

Robin's motives, by contrast, are seemingly enigmatic. Unlike Bob, and many others who testified during the conspiracy trials, Robin was apparently not implicated in the Halifax conspiracy. As far as the extant record reveals, he had not been among the "large number of slaves" originally detained, nor were any allegations of involvement leveled against him. Rather, the evidence suggests that Robin voluntarily implicated his brother in the conspiracy. Exactly why, however, is uncertain. *Direct* resistance, *inverted* resistance, fear, even sheer indifference: all appear to be plausible causes. But while Robin's impetus may be obscure, his behavior—as we will continue to see throughout this study—was not atypical.

# 3

## The Trials of Tom and Amey<sup>49</sup>

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The ever-present conjurer can be found in... colonial records in association with various acts of rebellion [and] day-to-day resistance.<sup>50</sup>

Walter Rucker, *The River Flows On*

“At a Court of Oyer and Terminer held at the Courthouse of Pittsylvania County on Monday the 20th Day of January 1806,” two slaves named Tom and Amey stood trial “on suspicion of having prepared and exhibited” poison with the intent to kill. Only two witnesses testified at their trials—a slave named Pompey and a local doctor named James Patton. Their testimonies were recorded as follows:

*The witnesses on the Trial of said negro Tom...*

*Negro Pompey, the property of James Colquihoun of the said County, deposed that at a late hour of the night, the prisoner at the bar came to where the witness and a negro woman named Amey were; that he (the witness), being sick, pretended to be a sleep; [and] that the said negro Tom asked the said Amey how she had done. She replied very well. He then asked her what she had done with the Touck<sup>†</sup> he had given her. She answered, but he did not understand what she said and asked her again. She answered loudly that it had killed two white*

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<sup>49</sup> Trials of Tom and Amey, Executive Papers, Pardons, William Cabell, Jan. 22, 1806. Pittsylvania County Court Order Books, 1806.

<sup>50</sup> Walter C. Rucker, *The River Flows On: Black Resistance, Culture, and Identity Formation in Early America* (Baton Rouge, 2006).

<sup>†</sup> A preparation made “poisonous powder, roots, or herbs.” Yvonne P. Chireau, *Black Magic: Religion and the African American Conjuring Tradition* (California, 2006), p. 71. See also, Marvin L. Michael Kay and Lorin L. Cary ““They are Indeed the Constant Plague of Their Tyrants’: Slave Defense of a Moral Economy in Colonial South Carolina, 1748-1772” printed in Gad Hueman’s *Out of the House of Bondage: Runaways, Resistance, and Maroonage in Africa and the New World* (London, 1986), 31.

*children. Tom then gave her something more, but the witness did not know what. The witness, Pompey, then told them that they would be detected sometime or other, but did not suppose that he intended to inform against them. But in order to detect Tom, the witness told him he wanted to know these things, meaning Tom's art of conjuring or poisoning, to which Tom made answer that he (the witness) must give him a bottle of spirits and a shirt. Sometime after which, according to appointment, the said Tom came with a quantity of stuff (which was produced in Court). The witness then gave notice to a white man, who took Tom and his medicine into custody.*

*Doctor James D Patton deposed that of the stuff found in Tom's possession & which was in court, there was of considerable part that he knew nothing of, but such as he could ascertain he did not think was in any wise poisonous.*

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*The Evidence on the Trial of the aforesaid negro Amey was the same that was given on the Trial this Day had against negro Tom for the same charge with this difference -*

*Doctor James D Patton deposed that he practiced Physic in the neighborhood and town of Danville, where James Colquihoun the owner of Amey and Amey her self reside; that no white child or children have died in that Town or neighborhood within his recollection for two or three years past without his attendance on them previous to their death. And he is convinced that none of which he did attend, did with the affects of poison; that he is confident that the two children which James Colquihoun lost died with the Croup not of poison; and that the said negro Amey was a Domestick Servant, and not in the habit of going from home.*

*The Counsel for the prisoner inquired of the witness, negro Pompey, if he knew what particular children those were which it was said Amey had killed by the prospection which she received of Tom. He answered that he did not understand, but supposed that she alluded to her Master's Children, two of which had died not long previous to the conversation which he heard Between Tom and Amey. He was also asked if Tom did not Enquire of Amey what children they were which she said she had killed. He answered that he heard Tom make no such enquiry.*

The two consecutive trials ended in the same result. Both Tom and Amey received a death sentence. Without any outside intervention, they would hang side-by-side on the 28th of February. The justices of Pittsylvania County, however, included one addendum to their judgment: "The Court having heard the character given the said Amey by her Master and

Others unanimously think proper to recommend her to the Mercy of the Executive”—a request that, if granted by the governor, would have produced a reduced sentence of “Sale and Transportation” or a severe whipping.

As was required by Virginia law, copies of the trial transcripts were made and mailed to Richmond for Governor William Cabell’s consideration. Accompanying the court records were two petitions:

*To the honorable Governor and the Council of the Commonwealth of Virginia,*

*The Undersigned Practitioners of Law in the County Court of Pittsylvania respectfully represent, that they were present at the trial of the negro Slave Amey, the property of James Colquihoun, who was convicted on the 20th of January 1806 of preparing and exhibiting medicine contrary to Law, and beg leave to state their opinions that the Evidence was insufficient to establish the Guilt. The only Witness who was introduced on the part of the prosecutor, and on whose testimony the above opinion of the Court was grounded, was a negro named Pompey who swore that he had heard the Prisoner acknowledge that she had administered Medicine to two white children, who died in consequence of having taken it. He could not be prevailed on to state what particular children those were which Amey had pretended to have killed, but constantly asserted that he did not know, for... [he] did not inquire into their names or family. He was led to believe, however, from the obscure hints thrown out by the prisoner that she alluded to the children of her Master, two of which had died not long before. It was positively proved by the Physician who attended the family of the Master that those two children died of a disease called the Croup, and not in consequence of having taken poison. The physician went farther and stated that his practice in that part of the country was extensive, and that no two white children had died in that neighborhood as was, he recollected, for two or three years past without having him to visit them, and that he had known none who died by poison. He also stated that he was a near neighbor of the Gentleman who owned the prisoner and was acquainted with her character, that she was always considered as a faithful servant and that she was not in the habit of leaving home often or of going far when she did leave home. The counsel for the prisoner attempted to cross examine Pompey, the witness for the Prosecution, and expected to have been able to shew that he was actuated by motives of particular ill will and hatred towards the prisoner in making the pretended discovery of her guilt, but they were interrupted by the court and not permitted to make the examination. The consequence of which was that the evidence of Pompey was believed, and the unhappy prisoner has been sentenced to suffer Death. All which is respectfully submitted.*

*Pittsylvania Court House January 21st 1806*

Eight individuals signed their names to the petition, which was accompanied by a



personal appeal to the Governor.

*To the honorable the Governor and Council of the Commonwealth of Virginia*

*The memorial of William Beavers of Pittsylvania certify & humbly sheweth that on the 20th day of the present month his negro slave Tom was sentenced to be hanged by the worshipful Court of Pittsylvania County for administering medicine contrary to law, and that although the circumstances might be considered as strong, they by no means, in the opinion of your memorialist, can be looked at as establishing his guilt beyond the reach of doubt. And of this opinion it is expected your honorable Council will be inspecting the record of the said trial and conviction herewith transmitted and, as it is possible he may be innocent, your memorialist prays that if you do not feel disposed to pardon him that you will at least mitigate the severity of the sentence by changing it from death to transportation, and your memorialist will ever pray.*

*William Beaver*

*Pittsylvania County January 22nd 1806*

Upon consideration, Governor Cabell elected to reverse the decision of the Pittsylvania County Court. Tom's and Amey's transcripts returned several days later with the following note attached:

*Proceedings of Pittsylvania Court of the Condemnation of 2 Slaves Tom & Amey to be Executed on the 28th of February 1806. pardoned*

## Interpretive Remarks

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The records of the trials of Tom and Amey appear to present two plausible, albeit quite different, scenarios. Either Doctor James Patton, William Beaver, and the lawyers who petitioned on behalf of the two slaves were seriously misinformed about Tom's and Amey's criminal intentions, or Pompey framed two innocent slaves in a fictitious plot. Although we cannot definitively prove either, the weight of the evidence, as well as Occam's Razor, suggests the latter possibility—one with apparent similarities to Roger's aforementioned trial. As in Roger's case, an "ill will[ed]" slave appears to have implicated

a fellow slave—or in this instance, two slaves—in an imaginary plot. And once again, poisoning—a crime that evoked white paranoia and superstition—was the chosen vehicle by which to frame the slaves. And finally, like Mat’s near-fatal scheme some two decades before, Pompey’s almost succeeded, save for a last minute executive reprieve.

Unlike with Roger’s trial, however, the witness testimonies of the trials of Tom and Amey are extant in the court record, allowing us to make a few more important observations. First, we know with certainty that Pompey was the sole accuser of Tom and Amey—or, at least, the sole accuser to testify during their trials. Second, we know from William Beaver’s cross-examination of Pompey that Tom’s and Amey’s courtroom defenses were far from perfunctory. Despite the grave charges the two slaves faced, Beaver’s questioning proved incisive and revealed several glaring contradictions in Pompey’s testimony. Nevertheless, the attorney was unsuccessful. Third, Beaver’s inability to persuade the justices of Tom’s and Amey’s innocence, in spite of his vigorous defense, speaks to the visceral force of a poisoning accusation in eighteenth and nineteenth century America. The two slaves’ guilt or innocence essentially came down to one man’s word against another—a prominent local doctor’s against a slave’s. Doctor Patton’s testimony dismantled Pompey’s account, seemingly point by point. Yet the Pittsylvania County Court, perhaps erring on the side of caution, sentenced Tom and Amey to death regardless—an outcome that suggests Pompey’s choice of accusation was well-suited to his purposes.

Of the forty-four trials I examined in preparing this study, the trials of Tom and Amey were among seven involving slaves who had, as far as I was able to ascertain, falsely implicated a fellow slave in a crime. Some of these incidents—including Mat’s aforementioned decision to frame Roger—apparently derived from motivations of *direct* resistance, others from *inverted* resistance, and still others, such as Pompey’s decision, from motivations that were not discernible from the record. Yet common to all was a recurring pattern of behavior. The slave accusers exploited white fears of *direct* resistance in order to circuitously attack another slave and advance their own immediate interests.

Because of this tactic, trials such as these leave behind a historical footprint that, without careful examination, is virtually indistinguishable from that of a genuine act of resistance. As a consequence, they are ripe for misinterpretation. For example, in his book *Twice Condemned*, which “investigated the records of over four thousand trials” of Virginia slaves, Philip Schwarz writes:

Between 1706 and 1865, those people whom white authorities in Virginia called slaves and then also judged to be criminals killed at least 199 white people... Another 160 poisoned or were feared to have poisoned other people, and 149 resorted to arson in order to attack whites only. More than 211 had physically attacked white people. Some 1,277 were convicted of feloniously stealing or other property crimes. Particularly threatening to slavery were the more than 181 slaves convicted of plotting or raising insurrection.... These figures of official violence...

depict a clash of enemies. The most obvious foes were the enslavers and the enslaved.<sup>51</sup>

A close examination of Virginia court records illustrates the flaw in Schwarz's claim that "figures of official violence... depict a clash of enemies" between "the enslavers and the enslaved." Nowhere is the evidence more compelling than in the 160 trials featuring slaves who, like Roger, Tom, and Amey, "poisoned or were feared to have poisoned other people." Of the forty-four trials I examined in preparing this study, ten involved slaves who were condemned to death on charges of intending to poison another person or persons, attempting to do so, or successfully administering poison. But of those eleven trials, in a full six—more than half—the charges against the defendant appear to have been complete fabrications. And five of those six feature slaves who, like Pompey, appear to have intentionally framed fellow slaves in imaginary plots.

Furthermore, of the remaining thirty-three trials I examined involving crimes other than poisoning, another two—one for murder by physical assault, and another for theft and attempted murder by physical assault—also feature slaves who appear to have wrongfully implicated another slave. And an additional five—again, I should emphasize, from a total of a mere thirty-three—resulted in convictions that appear to have exaggerated, sometimes grossly, the actual crimes that took place.

In sum, thirteen of the forty-four trials I examined left an "official" record of supposed resistance that in fact misrepresented what had actually occurred—a phenomenon that seems to seriously complicate Schwarz's above-cited assertion regarding "figures of official violence." Indeed, the size of this fraction—something like a quarter of the trials—suggests that in many instances "figures of official violence" depict an overstated "clash of enemies." The true foes, in such instances, are not obvious from a superficial reading of the court record. Only after meticulous, individualized examination of actual testimony can one say with some plausibility who was the enemy of whom.

Regrettably, historians tend to deal with court records in quantities that make in-depth research impractical, if not impossible. Schwarz, for example, took on some four thousand trials in writing *Twice Condemned*—a number which seems to preclude the possibility of an individualized, in-depth examination of each trial. Nor is he alone in this regard. Both Helen Catterall's oft-cited *Judicial Cases Involving the Negro*, and Marion Russell's article "American Slave Discontent in the Records of High Courts," appear to share the same shortcoming. So too does Gerald Mullin's *Flight and Rebellion*, which states:

The available sources on slavery in eighteenth century Virginia—plantation and

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<sup>51</sup> Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge, 1988), esp ix-xi. Schwarz makes it clear that the "fury" of this "clash of enemies" sometimes "fell on other slaves," but by this he is referring to the "official" record of crimes committed by slaves that involved slave victims.

# Table 3.1

*Extant Poisoning Trials Resulting in Capital Punishment: Bedford, Henry, Halifax, and Pittsylvania, 1780-1865*

	<i>Name of Defendant</i>	<i>Date</i>	<i>County</i>	<i>Apparent Authenticity of Crime</i>	<i>Principal Accuser</i>	<i>Final Sentencing</i>
1	Roger	April, 1787	Pittsylvania	Framed	Slave	Pardoned
2	John	April, 1802	Halifax	Wrongfully Accused	White	Executed
3	Solomon	August, 1805	Bedford	Authentic	Slave	Executed
4	Amey	January, 1806	Pittsylvania	Framed	Slave	Pardoned
5	Tom	January, 1806	Pittsylvania	Framed	Slave	Pardoned
6	Judy	September, 1837	Bedford	Framed	Slave	Commuted: Exile
7	Frances	September, 1837	Bedford	Framed	Slave	Commuted: Exile
8	Richard	March, 1859	Henry	Authentic	Slave	Executed
9	Harry	March, 1859	Henry	Authentic	Slave	Executed
10	Daw	March, 1859	Henry	Authentic	Slave	Executed

*Total Poisoning Trials (Out of Total Extant Trials): 10/44*

*Total Extant Inauthentic Poisoning Trials: 6/10*

## Table 3.2

*Extant Inauthentic Crimes Resulting in Capital Punishment: Bedford, Henry, Halifax, and Pittsylvania, 1780-1865*

	<i>Name of Defendant</i>	<i>Date</i>	<i>County</i>	<i>Alleged Crime</i>	<i>Apparent Authenticity of Crime</i>	<i>Principal Accuser</i>	<i>Final Sentencing</i>
1	Roger	April, 1787	Pittsylvania	Plotting to Poison	Framed	Slave	Pardoned
2	John	April, 1802	Halifax	Plotting to Poison	Wrongfully Accused	White	Executed
3	Amey	January, 1806	Pittsylvania	Conspiracy to Poison	Framed	Slave	Pardoned
4	Tom	January, 1806	Pittsylvania	Conspiracy to Poison	Framed	Slave	Pardoned
5	Harry	October, 1825	Bedford	Murder	Exaggerated	White	Commuted: Exile
6	Ned	October, 1831	Bedford	Conspiracy to Murder	Exaggerated	White & Slave	Commuted: Exile
7	Chester	July, 1836	Pittsylvania	Murder	Exaggerated	White	Commuted: Exile
8	Judy	September, 1837	Bedford	Conspiracy to Poison	Framed	Slave	Commuted: Exile
9	Frances	September, 1837	Bedford	Conspiracy to Poison	Framed	Slave	Commuted: Exile
10	Nelson	March, 1842	Henry	Attempted Murder	Exaggerated	White	Executed
11	George	March, 1842	Henry	Attempted Murder	Exaggerated	White	Executed
12	Jack	January, 1853	Henry	Murder	Wrongfully Accused	Slave	Executed
13	Simon	September, 1863	Halifax	Attempted Murder & Theft	Framed	Slave	Pardoned

*Total Inauthentic or Exaggerated Trials (Out of Total Extant Trials): 13/44*

county records, the newspaper advertisements for runaways—describe rebellious slaves and few others.<sup>52</sup>

And Herbert Aptheker's "Resistance and Afro-American History," which states:

Two forms of slave resistance that were especially common were arson and the use of poison. Both were sometimes so widespread and collective as to verge on insurrection.<sup>53</sup>

What is more, rather than endure the archival drudgery required to check these figures, historians routinely trust their fellow professionals and simply recycle the numbers—often using what they bill as "official" figures of resistance as a kind of measuring stick for rebelliousness. For example, as Blassingame writes in *The Slave Community*:

It is impossible to measure exactly the extent of the slave's dissatisfaction with his lot. [But] [t]he best objective evidence we have... appears in Helen T. Catterall's five volume *Judicial Cases Concerning American Slavery and the Negro*... According to these records... 533 assaulted, robbed, poisoned, murdered whites, burned their masters' dwellings, and committed suicide.<sup>54</sup>

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<sup>52</sup> Gerald W. Mullin, *Flight and Resistance: Slave Resistance in Eighteenth-Century Virginia* (New York, 1972), 34.

<sup>53</sup> Herbert Aptheker, "Resistance and Afro-American History," printed in Gary Y. Okihiro's *In Resistance: Studies in African, Caribbean, and Afro-American History* (Amherst, 1986), 18.

<sup>54</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 195.

# 4

## The Trial of Ned<sup>55</sup>

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In truth, fear of such “wretches” [as Nat Turner] haunted Southern whites through the rest of the antebellum period. In spite of all their precautions and their resounding propaganda, they could never escape the possibility that somewhere, maybe even in their own slave quarters, another Nat Turner was plotting to rise up and slit their throats. His name became a symbol of black terror and violent retribution.<sup>56</sup>

Stephen B. Oates, *The Fires of Jubilee*

[T]here was no escape from the realities represented by the radical black presence in America [in the 1820s and 1830s]. Thus, private and public writings from the South continually referred to deep levels of fear—fear of insurrection, fear of death at black hands, fear of black life, fear of blackness, fear of repressed and frightening white desires. Usually it came out in references to an “internal foe,” or “the dangerous internal population,” or “the enemy in our very bosom,” perhaps revealing more than the writers even knew. Yet even in the South, even there where all the busyness of America could not shield white men and women from the stark black reality, it was still possible to see where the objective enemy really was.<sup>57</sup>

Vincent Harding, *There is a River*

“At a court of Monthly session held for the said county of Bedford on... the 24th

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<sup>55</sup> Trial of Ned, Executive Papers, Pardons, John Floyd, November 1831; Bedford County Court Order Books, 1831.

<sup>56</sup> Stephen B. Oates, *The Fires of Jubilee: Nat Turner's Fierce Rebellion* (New York, 1975), 145.

<sup>57</sup> Vincent Harding, *There is a River: The Black Struggle for Freedom in America*, reprinted in Kenneth S. Greenberg's *Nat Turner: A Slave Rebellion in History and Memory* (New York, 2003), 81.

day of October, 1831,” two months after Nat Turner’s Rebellion, a slave named Ned stood trial for “plotting and conspiring the death of Mrs. Anne Mitchell,” his mistress. Seven witnesses were poised to testify, six of whom were slaves. Their testimonies began with Mrs. Anne Mitchell’s account.

“About the twenty-seventh of August last, Ned came to my house and asked me to hem a handkerchief for him,” Mrs. Mitchell testified.<sup>†</sup> “I told him I would make one of the servants hem it for him—but he said that I must do it. So I took the handkerchief. Ned then asked me for some bread which a servant was preparing for him in the kitchen. The servant told him it would be ready in a short time and begged Ned not to be angry. Ned then cursed me and said, ‘If the bread had been for old Jacob,’ one of my house servants, ‘you would have had it ready if it took all the negroes on the plantation to do it.’ After this I was in a state of alarm. I told Ned that if he would go to the house, I would give him some biscuits or anything else he might want. But Ned told me that he would not have my biscuit, but that he would see my heart’s blood before sunset. This happened about four o’clock in the evening. Ned repeated the threat several times, saying he intended to kill me. Then he turned off and picked up some rocks. Whilst he was engaged, I slipped off my shoes, ran upstairs, and locked myself up in a room with my children. After getting upstairs, I heard Ned inquire of a servant girl who was in the house where I was—and his inquiring was accompanied with a threat to kill the servant if she did not tell him. Before I had hidden upstairs, I told the girl to tell Ned I had escaped out of the front door and had gone down the road. Ned believed her, then threw down the rocks and went off. I remained secreted until my brothers arrived and secured Ned, which was about an hour and a half after sunset. During that time, Ned had continually repeated his threats to kill me. He said he had long intended to kill me. He said ‘You think I am drunk but I am not so far behind the curtain as not to know what I am doing. I intend to kill you and have so for some time past. Now I’m carrying my designs into execution.’”

Jinny, a slave belonging to Mrs. Mitchell, spoke next. “When Ned came to the house at the time mentioned, Ned first said to Mrs. Mitchell, ‘You know I love you and master both.’ A short time after, he took a handkerchief from his pocket and asked Mrs. Mitchell to hem it. She told him she would make another servant hem it. But Ned said no—that she must hem it. Mrs. Mitchell told him she would hem it and went to the house. Ned then began to ask about bread. I told Ned that light bread could not be baked before it had risen. But Ned said, ‘Damn you. Who was talking to you?’ Then Ned got down on his knees, picked up a rock, and cursed Mrs. Mitchell. He told her he meant to see her’s and old Jacob’s heart’s blood before he closed his eyes that night. Mrs. Mitchell tried to get Ned something to eat, but he said, ‘Damn you. I do not thank you for your kindness.’ Mrs. Mitchell then ran upstairs and locked herself up. Ned said, ‘There are more ways than one to get in the house! Nobody knows what’s in Ned’s breast but Ned!’ He then cursed me and told me he would blow my brains out if I did not tell him where Mrs. Mitchell was. He

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<sup>†</sup> For clarity’s sake, the format of this trial has been adapted from the original court record.



had rocks in his hands. I told him Mrs. Mitchell had gone down the road. He told me I was a damned liar and went off to the kitchen.”

Phillis, another slave belonging to Mrs. Mitchell, testified. “I was present at the time spoken of by Mrs. Mitchell and Jinny. Ned cursed Mrs. Mitchell and told her that he would see her heart’s blood by sunset. After Mrs. Mitchell went upstairs, she told me to go out and try to pacify Ned. So I went out—but Ned cursed me and said, ‘You only want some news to carry to your damned mistress! If you don’t go off I will kill you as well.’ I went back into the house and was told by Mrs. Mitchell to get a horse and go to her father’s quarters for aid. Before I left, I saw Ned try to get in through a window. But Nicey let it down and Ned fell back in the attempt.”

Nicey, the slave Phillis spoke of in her testimony, took the stand. “I was away from home on the evening mentioned by the other witnesses. While returning I was told that Ned was going on at a high hand at master’s house. When I got to the fence which encloses the yard, I heard Ned tell Mrs. Mitchell that he would kill her and after he had done that he would kill as many more as he could. Ned had a rock in his hand at the time. I went to the house and upstairs where Mrs. Mitchell had gone and inquired what was the matter. Mrs. Mitchell told me to go down and tell somebody to take Ned. When I went down, Ned was at the window of the house and called me to him. I went to the window and let it down. I then went to the kitchen and Ned went in at the door of the house and continued to curse Mrs. Mitchell. A few days before, Ned was in the kitchen whetting his knife upon a rock. At the time, he said to me, ‘This knife I’m whetting is going to cut more damned throats than a few.’”

Glasgow, a slave, was summoned to testify. “On the Sunday before Ned’s attempt upon Mrs. Mitchell, I heard Ned complaining that Mrs. Mitchell would not give him a pass the night before. A day or two after, I saw Ned whetting his knife. He said that he intended to cut more damned throats than was ever seen.”

Jacob, a slave, spoke next. “On the Monday before the assault, Ned seemed much disturbed at Mrs. Mitchell’s refusing him a pass the evening before. He said he would have recompense. He said he knew what he meant to do, but it was his own. I also heard Ned say that if he had been with the negroes of Southampton, he would have slain thousands.”

Reubin, a slave, was the last to speak. “A few days before the assault, I heard Ned complaining of Mrs. Mitchell for refusing him a pass. Ned said, ‘I know how to fix her.’”

Upon completion of the witness proceedings, the justices of the Bedford County Court sentenced Ned to “be hanged by the neck until he be dead... on Friday the twenty fifth day of the next month.” Ned’s court records were copied and mailed to Richmond, eventually arriving among a deluge of urgent appeals to Governor John Floyd—from slavery advocates and abolitionists alike—decrying the great crisis in Southern slavery wrought by Nat Turner’s Rebellion. In addition to his official court documents, a number of personal appeals were sent to the Governor on Ned’s behalf.

*To the Governor,*

Sir,

*In concurrence with the petitioners who have addressed your excellency on behalf of Ned, I put a very good desire that he should be saved. It is difficult to hang a man for the commission of a crime. To hang him for intending its commission seems to require a severe justice. But to hang him even when its commission was not intended would be infinitely severe. I do not believe that Ned ever intended to commit murder. His mistress had incurred his displeasure and his great object was probably to alarm and frighten her. If murder was his intention would he, in such public mood, have ventured upon so much noise and fuss? Wouldn't he rather have gone decisively & silently to work & without notice to his mistress by abusing her? I was the first person that arrived at Doctor Mitchell's after the unlucky fellow Ned had been abusing his Mistress. He had retired & was silently waiting in the Kitchen. For the details of what happened after my arrival I refer your Excellency to my account of the affair given yesterday. I sent Ned to jail unofficially for safer imprisonment only, until he could be got off, with no expectation that he would be prosecuted to condemnation. Had I expected this course I would not have sent him - believing as I did that he was not master of his mental functions. I think I mentioned to your excellency one or two circumstances going towards conviction of that part.*

*Very respectfully,*

*James Jameson*

Alongside Jameson's letter was a petition gathered on Ned's behalf.

*To his Excellency John Floyd Governor of the Commonwealth of Virginia*

*The Petition of the undersigned Inhabitants of Bedford County, humbly sheweth, that a negro man (slave) named Ned the Property of Dr. Tho's Mitchell of this County has lately been condemned by the Court of Bedford to be hung ~ on the 25th Nov. The Proceedings and Evidence of which trial is transmitted to your Excellency. We are aware that it is a time of general Excitement throughout the State and numbers have fallen victims to the unrelenting hands of this unhappy race, but we do not think Ned comes under the character of raising an Insurrection or a Conspiracy for it seems all the Negroes on the Plantation of Dr. Mitchell were against him and it also appears that he was somewhat intoxicated at the time - true it was a most outrageous crime but we would recommend him to Mercy and do most sincerely hope he may be so for pardoned by your Excellency as to Transport him. And we shall ever Pray.*

Twenty-one individuals, including Ned's mistress herself, signed their name to the

petition. In addition, a letter not addressed to the Governor also appears to have found its way to Floyd—forwarded to him on November 15th by its original recipient, Doctor James Saunders of Richmond, one of the co-signers of Ned’s petition.

*November 14th 1831*

*Dear Doct,*

*We have sent on a petition to the Governor praying him to pardon the poor miserable Ned so far as to transport him, your Father has signed the petition, & I believe if we had time nearly all the people in the County would have signed it -*

*I understand you are at Richmond and no doubt will use all the influence you can with the Governor to have him transported. I expect Doct. Mitchell & your sister have signed the petition and are desirous that he should not be hung. Pray do all you can in the business, there is no time to be lost as he is condemned to be hung on the 23rd.*

*Respectfully yours,*

*Henry Brown*

No doubt influenced by the personal letters, the number of signatures on the petition, and the apparently well-situated Doctor Saunders, Governor Floyd opted to alter Ned’s fate. Although he may have considered a full pardon politically impossible—particularly in light of recent events—Floyd commuted Ned’s sentence to exile from the United States. Ned was spared the gallows, but was sold to slave traders, then shipped thousands of miles from family, friends, and all that he called home.

## **Interpretive Remarks**

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At seemingly every turn of his so-called “insurrection” attempt, it appears Ned was met by *inverted* resistance from his fellow slaves. When Mrs. Mitchell first hid upstairs, Jinny attempted to misdirect Ned, telling him “she had escaped out of the front door and had gone down the road.” When Ned called Jinny a “damned liar” and threatened to “blow [her] brains out,” Jinny steadfastly refused to divulge her mistress’s location. When Ned

then tried to enter through the front door of the house, he discovered that the slaves inside had locked him out. When he cried out in exasperation—"There are more ways than one to get in the house!"—and instead tried climbing through a window, a slave named Nicey "let it down and Ned fell back in the attempt." Shortly after the fall, a slave named Phillis ventured out of the house to "try to pacify" him. But when Ned rebuffed her attempt, exclaiming, "You only want some news to carry to your damned mistress," Phillis slipped off on horseback to alert Mrs. Mitchell's neighboring brothers. Upon arriving at the scene, the brothers beat Ned so severely that a late arriver, James Jameson, "sent him to jail unofficially" for his own protection—thus marking the end of Ned's would-be "insurrection."

In *The Peculiar Institution*, Kenneth Stampp writes:

[T]he element of conscious resistance was often present [in slaves]; whether or not it was the predominant one the master usually had no way of knowing. In any case, he was likely to be distressed by his inability to persuade his slaves to "assimilate" their interests with his. "We all know," complained one slaveholder, that the slave's feeling of obligation to his master "is of so flimsy a character that none of us rely upon it."<sup>58</sup>

While this sentiment may have been true of many slaveholders, the Mitchells, it seems, were plagued by no "inability to persuade [their] slaves to 'assimilate' their interests." With her life endangered, and no other authority figures nearby, Mrs. Mitchell's slaves spontaneously organized to protect her and suppress a rebellious slave's resistance. Like besieged soldiers, they shored the house, and their mistress within it, against Ned's intrusion. They repeatedly put their lives at risk—at least if Ned's threats were to be believed—to bar his access and attempt to calm him. And when "pacif[ication]" failed, they alerted Mrs. Mitchell's neighboring brothers, who arrived to subdue, beat, and imprison the unruly slave. Whereas only a month earlier, some three companies of artillery and hundreds of troops had been marshaled to suppress Nat Turner's insurrection, it seems all that was required to extinguish Ned's faint spark of rebellion was an unassuming group of fellow slaves.

What is more, Mrs. Mitchell's own actions make plain her divergence from the notion that "a slave's feeling of obligation to his [or her] master 'is of so flimsy a character that none of us rely upon it.'"<sup>59</sup> Indeed, her decision to hide from Ned inside a house teeming with the ranks of her so-called "internal foe," rather than escape elsewhere, is

<sup>58</sup> Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 98.

<sup>59</sup> For additional scholars whose views align with Stampp's, see e.g., "This feeling, though at most times unconscious, caused a master to *expect* rebellion, and, expecting it, to apply preventative remedies." Nicholas Halasz, *The Rattling Chains: Slave Unrest and Revolt in the Antebellum South* (New York, 1966), 28; "[Masters] live in constant fear [of slave insurrections]." Raymond A. Bauer and Alice H. Bauer, "Day to Day Resistance to Slavery," reprinted in John H. Bracey Jr., August Meier, & Elliot Rudwick, *American Slavery: The Question of Resistance* (California, 1971), 37.

telling.<sup>60</sup> Seemingly unrattled by the bloodletting of Nat Turner's Rebellion and the ensuing mass hysteria then at an apex in Virginia, Mrs. Mitchell behaved in a manner that displayed the sincerest of faith in her slaves.<sup>61</sup> In "hiding" herself inside the house, she trusted her slaves not only to resist the temptation of joining Ned, but to actively suppress him. And her trust, it seems, was not misplaced.

No starker contrast to Mrs. Mitchell's trust exists than Ned's glaring disappointment, even disaffection, with his fellow slaves. One senses that Ned viewed Jinny, Jacob, Nicey, and Phillis not as mere obstacles to his rebellion, but as truly "internal foe[s]." His repeated threats to harm Jinny and Jacob, his castigation of Phillis for "only want[ing] some news to carry to [her] damned mistress," and his ominous remarks before the incident make it clear that he saw some slaves as legitimate targets of violent revolt.

Finally, it is essential to note the testimonies of Glasgow, Jacob, and Reubin. All three display an important pattern. Neither Glasgow, Jacob, nor Reubin was present during the actual incident, but all, nevertheless, divulged incendiary comments made by Ned that likely proved devastating to the prospect of his receiving a lenient sentence. Although it is impossible to determine their exact motivations, the fact that each statement they revealed was made prior to the incident, apparently beyond the surveillance of whites, and, by all indications, in private conversation between the two parties suggests that their decisions to inform on Ned, like Robin's decision in the Halifax conspiracy, may well have been voluntary.

This question of motivation is made all the more important by the fact that the "conspiracy" charge appears to have essentially hinged on these slaves' testimonies. As far as the extant record reveals, none of the witnesses actually present during the incident attempted to paint Ned's outburst as an insurrection—including Mrs. Mitchell herself, who co-signed Ned's petition stating "[W]e do not think Ned comes under the character of raising an Insurrection or a Conspiracy for it seems all the Negroes on the Plantation of Dr. Mitchell were against him." Rather, the charge apparently had less to do with the conduct of Ned's alleged crime than with the dangerous statements he made prior to it—revealed by Glasgow, Jacob, and Reubin. Their combined testimonies, it appears, transformed a verbally threatening yet ultimately harmless outburst into something of a politically motivated plot. So soon after Nat Turner's Rebellion, any association with "the negroes of Southampton" or threats to "cut more damned throats than ever was seen"—no matter how fantastical—likely made the charge of conspiracy, and its accompanying death sentence, all but inevitable. For Ned, it seems, the difference between life and death came down to these three slaves—none of whom was present for the so-called "insurrection" attempt, but all of whom, afterward, betrayed private comments, and may have done so voluntarily.

Thus, while Ned's short-lived "conspiracy" may attest to the "radical black presence

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<sup>60</sup> Vincent Harding, *There is a River: The Black Struggle for Freedom in America*, reprinted in Kenneth Greenberg's *Nat Turner: A Slave Rebellion in History and Memory* (New York, 2003), 79-102.

<sup>61</sup> Stephen B. Oates, *The Fires of Jubilee: Nat Turner's Fierce Rebellion* (New York, 1975) p. 129-145.

in America” in the decades surrounding Nat Turner’s rebellion, the contrasting examples of Jinny, Nicey, Phillis, Glasgow, Jacob, and Reubin suggest that the “reality” of the relationship between master and slave was not so “stark,” nor so “objective,” as to definitively be called one of “enemies.”<sup>62</sup>

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<sup>62</sup> Vincent Harding, *There is a River: The Black Struggle for Freedom in America*, reprinted in Kenneth Greenberg’s *Nat Turner: A Slave Rebellion in History and Memory* (New York, 2003), 81.

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## The Trial of Daniel<sup>63</sup>

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Some [slaves], perhaps the majority, had no more than an unarticulated yearning for escape from burdens and constraints. They submitted, but their submission did not necessarily mean enjoyment or even contentment. And some slaves felt more than a vague longing, felt a sharp pang and saw a clear objective. They struggled toward it against imposing obstacles, expressing their discontent through positive action.

If slaves yielded to authority most of the time, they did so because they usually saw no other practical choice.<sup>64</sup>

Kenneth Stampp, *The Peculiar Institution*

“[A]t a County Court held in the County of Halifax... on the 28th day of June in the year of our Lord one thousand eight hundred and forty seven,” a slave named Daniel stood trial for the murder of William Allen, his overseer. Nine witnesses were poised to testify. The first to speak was Daniel’s principal accuser, a slave who went by the name of Little John.

“On the night of the murder, we were all shelling corn in the corn house,” testified Little John.<sup>†</sup> “Daniel left the corn house first. The rest of us left afterward and went to our houses. Shortly after, I heard Mr. Allen calling for me saying, ‘Help! A Negro is killing me.’ I immediately ran out and saw a man having a stick in his hand standing over Mr. Allen who was on the ground. I said, ‘Don’t kill Mr. Allen,’ and I held my arm between the stick and Mr. Allen. But the man raised the stick and struck and punched me, so I left and called Big John to help. I said, ‘Help! The man is killing Mr. Allen.’ Then the man ran off

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<sup>63</sup> Trial of Daniel, Executive Papers, William Smith, 1847, June; Halifax County Court Order Books, 1847.

<sup>64</sup> Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 89, 91.

<sup>†</sup> For clarity’s sake, the format of this trial has been adapted from the original court record.

into the woods. I can't say that the man was Daniel, but I think it was. He had on the same colored clothes—a dove colored coat and white pantaloons—and the coat was patched with white on both sleeves, as was Daniel's. There was a moon with slight cloud over it so it was not entirely dark and I could see his clothes. Also, the man who attacked Mr. Allen was about the same size as Daniel. After the attack, me and Big John left Mr. Allen there and started off to masters.' We saw Daniel come out of the woods and go up to Mr. Allen's body. I had never heard Daniel make any threats against Mr. Allen, though."

Big John, the slave mentioned in Little John's testimony, spoke next. "On the night of the murder I was in the corn house with the other field hands shelling corn. When we left the corn house, Mr. Allen, the overseer, told me to put up the draw bars, so I didn't get to the houses with the others as soon. When I got to my house and was beginning my supper, I heard a noise which I thought to be a dog's growling. I asked Little John what it was, and he ran out immediately and called back to me, 'Mr. Allen is calling for you! Someone is killing him.' I then ran outdoors and heard Mr. Allen repeatedly call to me, 'Help John! A negro is killing me.' Little John was ahead of me and got there first. Then he turned and hollered to me that somebody was killing Mr. Allen and was about to kill him too. When I got within 12 or 15 yards, I saw a man standing over Mr. Allen with a stick in his hand. Mr. Allen was on the ground. I had been hollering and calling master's dogs with me and as I approached, the murderer ran off into the woods. I think the man was Daniel from his size and his clothes. He had a purple coat and white pantaloons, and I think the coat was patched with white on the sleeves. I do not know whether Mr. Allen was killed by the blows, I only looked at him then went off after master, and did not return that night. When the murderer ran off, I set the dogs after him and followed on the tracks. I did not pursue them and did not see Daniel return with the dogs. I never heard Daniel make any threats against our overseer behind his back. I heard him say after Mr. Allen whipped him last Tuesday, 'You are always persecuting me but nevermind'<sup>65</sup>—which is the only threat I ever heard Daniel make."

A slave named Priscilla took the stand. "I am a waiter in the house. I went out after wood that evening and carried it in and went after more when I first heard Mr. Allen hollering for John. I went down to Louisa's house in the direction of the hollering, and as I went, I saw Daniel come through the gate and set a club down on a bench in the yard. As he passed, he asked me, 'What is the matter?' I told him that I reckoned something had Mr. Allen, but I couldn't say what it was. I told him, 'Mr. Allen was hollering and there is a mighty disturbance among us. I heard someone—it might have been Little John—calling Big John.' When I got to Louisa's house, Elvira and the other house girls came up and we went on to the place of the murder. Mr. Allen looked to be dead. I did not speak to him. I had no conversation with Daniel afterward, and he did not tell me anything to say."

Elvira, a slave, was summoned to testify. "On the night of the murder, I was asleep

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<sup>65</sup> These two words are underlined in the trial transcript, perhaps indicating that Big John altered his inflection to imply a more threatening tone.



and was awakened by my master hollering to know what was the matter. I am a house girl. I sleep in the house. I heard a good deal of hollering but I can't say that it was Mr. Allen's voice. Master directed all of us to go down to see what was the matter. I went and when I got to Louisa's house, Priscilla was in the yard. We went on together and before I got to the place I heard Little John hollering, 'Mr. Allen is dead.' I saw someone who I thought was Daniel going on towards Mr. Allen in the direction of the murder. When I got there, Daniel was not at the place and I did not see him any more until I returned home. As I returned home, Daniel came following a little behind. I had no conversation with him in relation to the murder."

Louisa, a slave, spoke. "Big John and Little John came to my house on the night of the murder. While I was getting something for them to eat, I heard a noise and someone calling for John. I told John and he ran out and called back that it was Mr. Allen calling Big John. They both went on to him. Then I heard master hollering to know what was the matter. A short time after, Elvira and Priscilla came to my house and went on to the place. I followed. I got in sight and saw a man being on the ground who was said to be Mr. Allen. I did not go to him. We all returned and as we were going to my house, I looked back and saw Daniel coming after us, close behind. Master called out, 'Where is Daniel?' And Daniel replied, 'Here me sir.'"

A slave named Mary testified, "Immediately after the murder, my master sent me to Mr. Allen to see if I could do anything for him by rubbing him with medicine or otherwise. But I found him dead and did nothing. I heard no confession of Daniel the next morning. I expressed my regret that the occurrence had taken place and said I would not have had it happen on the plantation for anything. Little John agreed with me. I asked him how it was he was so near and could not tell who it was. He said that he was frightened and he could not know. Daniel said that Big John and Little John need not think he did it, for he would not have done it for anything in the world. Some time after the occurrence, Big John had expressed the opinion it was Daniel, but Daniel heard him and asked, 'Why should you think it was me?'"

James McCargo, apparently a local jailor, spoke next. "I saw the corpse about one hour after the murder. The skull was broken on the back part and beaten in with the brains out and pieces of the skull and bone sticking amongst the hair. There was a stick or club lying near with hair and blood upon it. He was undoubtedly killed by the blows on the head. After Daniel was committed to jail a few days, he confessed to me that he killed Mr. Allen. Daniel states that he first threw Allen down and as he was attempting to rise, Daniel gathered the stick in both hands and knocked him down. Then he struck him a second time. I then asked Daniel if Allen laid still afterward and Daniel said he did lay down still. Daniel also states that Little John ran to him and told him not to kill Mr. Allen. Daniel said he punched Little John with his hand and told him to go away twice. Daniel then saw Big John coming and knew that Big John would take him, so he ran into the woods. The confession was made in reply to a question from me without any threats, promises, or persuasions made

by me or anyone to my knowledge.”

Francis S. Williams, one of the men involved in Daniel’s arrest, testified, “Several days after the incident, Daniel was carried on to Captain Rice’s house by Mr. Julius Hudson. As soon as myself, Captain Rice, and Rob Gale got there, Daniel called to Mr. Rice and told him that he would tell him the truth. None of us had previously spoken to him. Daniel said that he did kill Allen, that he was mad with him and had sworn he would kill him or be killed himself. There were no threats made by any of us. Daniel further stated that he had waited for the deceased with the same stick on Wednesday or Thursday morning to kill him, but Allen did not come out soon enough. Daniel then put the stick behind a bench until night when he killed Allen with it. Daniel stated that the first lick he struck at Allen missed him. Allen then jumped into his arms and began to scuffle with him. Daniel scuffled with him and threw him down two or three times before he got an opportunity to strike him with the stick. Daniel struck him three blows with the stick. But he said Little John’s interference prevented him from striking a fourth time.”

Julius Hudson was the last witness to speak. “I was on the jury of inquest after Daniel had been taken in custody to be sent to jail. I walked with Daniel. After about one hundred yards of walking, Daniel commenced a conversation with me. He said, ‘I hope nobody will be blamed for the murder but me. All the rest of the negroes are innocent.’ He said that he committed the murder himself and that the deceased had whipped him as he thought without cause and he had determined to take satisfaction for it. Daniel’s confession was almost exactly as detailed by Mr. Williams. I made no use of threats, promises, or persuasions to induce the prisoner to confess. Nor were any made in my presence or to my knowledge.”

Upon completion of the testimony, the justices of the Halifax County Court deliberated and arrived at a verdict. They sentenced “Daniel to be hanged by the neck until he be dead... on the 30th day of July.” No petitions or appeals were gathered on the slave’s behalf. A month after the verdict, Daniel hung from the scaffolds of Halifax.

## **Interpretive Remarks**

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Although the literature commonly portrays slaves as rational actors who “yielded to authority most of the time” because they “usually saw no other practical choice,” the events of Daniel’s story hint at an altogether more complicated relationship between practicality

and obedience.<sup>66</sup> Consider, for example, the choice faced by Big John and Little John when they heard Mr. Allen cry, “Help! A negro is killing me!” According to their testimonies, the Johns knew that their overseer—a figure, according to the literature, commonly regarded with “distrust, hostility, [and] anger” by slaves—was probably in grave danger.<sup>67</sup> They knew that the attacker was apparently a “negro.” They knew that without their help, Mr. Allen might be killed. And, furthermore, they knew that if they did come to his aid, it would probably have involved suppressing a fellow slave.

Setting all other considerations momentarily aside, the choice that the Johns should have made at that juncture, according to the literature, is seemingly obvious. Practicality would have dictated that they “assess the risks and potential gains of [the] different moves” available to them and conclude, probably without a great deal of agonizing, that there was little to be lost and much to be gained by leaving the man they probably regarded with “hostility” to fend for himself.<sup>68</sup> Yet since we know they did the opposite, we might then infer, based on what the literature teaches, that some intervening factor changed the calculus of their decision—giving them no other “practical choice” but to help their overseer.

Any number of circumstances may have contributed to this tilting of the scales. The nearby presence of their master, for example, may have decisively altered the “risks and potential gains” of not responding. So, too, might have the presence of their mistress, their master’s child, or a neighbor. Perhaps even the proximity of an untrustworthy slave would have sufficed. Although the exact details might vary in any number of ways, common to each of these scenarios is the notion of deniability. All represent a situation in which the likelihood that the Johns could successfully feign ignorance or innocence—the most obvious “practical” alternative to aiding their overseer—was drastically reduced by some external factor. In situations where the Johns could easily have denied responsibility for their overseer’s death, we might safely say they were less obliged to respond. In situations where they could not have easily denied responsibility, *vice versa*. Indeed, we might even say that when it comes to “infer[ring] the logic of their situation,” this singular consideration—deniability—trumps all others. For if the Johns only chose to aid their overseer because they “saw no other practical choice,” then it follows that they had no

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<sup>66</sup> Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 91 (see also e.g., “[Slaves] naturally focused their interest upon such immediate practical benefits as...” “...slaves had some understanding of the pragmatic benefits of freedom...”). See also, Patrick H. Breen *A Prophet in His Own Land: Support for Nat Turner and His Rebellion within Southampton’s Black Community* printed in Kenneth S. Greenberg’s *Nat Turner: A Slave Rebellion in History and Memory* (New York, 2003), 118; “...whenever opportunities presented themselves the slaves were quick to take advantage.” John H. Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York, 1999), 47; “...assess the risks and potential gains of different moves...” T. Stephen Whitman, *Challenging Slavery in the Chesapeake: Black and White Resistance to Bondage, 1775-1865* (Baltimore, 2007), 73; Larry E Rivers, *Rebels and Runaways: Slave Resistance in Nineteenth Century Florida* (Chicago, 2012), 18; John B. Boles, *Black Southerner: 1619-1865* (Lexington: 1983), 180.

<sup>67</sup> John H. Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York, 1999), 11.

<sup>68</sup> T. Stephen Whitman, *Challenging Slavery in the Chesapeake: Black and White Resistance to Bondage, 1775-1865* (Baltimore, 2007), 73.

opportunity to feign ignorance or innocence readily available.

One way of assessing the availability of such an opportunity is to consider potential counterfactuals. For example, we might ask: What if Big John and Little John had ignored their overseer? According to their own accounts, they were so far away from the incident as to barely be within earshot.<sup>69</sup> Moreover, according to every witness testimony, there were no other whites in the vicinity—including their master, who was apparently a considerable distance from the Johns and the scene of the attack.<sup>70</sup> Could they have carried on eating their supper and simply pretended to have not heard their overseer without greatly risking punishment? Might there, in fact, have been other slaves on the plantation who did exactly that?

Or suppose that, rather than entirely ignoring their overseer, Big John and Little John did respond, but only half-heartedly. Could the pair have made a show of concern, but deliberately dragged their feet? Admittedly, there is nothing in the record to prove unequivocally that this is not what happened. The Johns did, after all, arrive too late to save their overseer. And they would surely have concealed the truth had they done so intentionally. Yet, ultimately, the weight of the evidence strongly suggests otherwise. First, Daniel's own confession corroborates Little John's claim to have protected Mr. Allen. The outmatched slave, it seems, acted as a kind of human shield for his overseer, apparently enduring multiple blows before calling out to Big John that "somebody was killing Mr. Allen and was about to kill him too"—an exchange, it should be noted, that bears striking similarities to the scuffle between William and John described in the introduction. Second, Daniel himself maintained that it was the Johns' arrival which "prevented him from striking [his overseer] a fourth time"—indicating that the two slaves acted quickly to thwart his attack. Third, it seems that, after the fact, Big John voluntarily betrayed an incriminating statement made by Daniel. He reported that, just days before the attack, Daniel had threatened Mr. Allen saying, "You are always persecuting me but nevermind." Fourth, the record suggests that Daniel went unshackled for some time after the incident, all the while being hounded by accusations from some of his fellow slaves—in particular, Big John—that eventually culminated in his arrest. It even seems Daniel went so far as to openly confront Big John the day after the attack, challenging the slave, "Why should you think it was me?"

Considering the likelihood of counterfactuals such as those just discussed helps to gauge some of the underlying forces motivating *inverted* resistance. For just as the force required to move an object also provides a measure of the forces holding that object in place, so too does deniability provide a crude measure of the competing forces that moved the Johns to act. If, for example, the two slaves had been unmovable—if, in other words, they had been dead set on spurning their overseer's cries of distress—then they simply

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<sup>69</sup> For Big John, the cry was apparently far enough away to be mistaken for "a dog's growling." Additionally, Louisa's testimony suggests that neither of the Johns even heard the noise until she brought it to their attention.

<sup>70</sup> According to the record, the slaves living in their master's house had to walk some distance to arrive at Louisa's house and, once there, even further in the same direction to arrive at the scene of the attack.

would have refused to help in spite of the consequences. Likewise, if they had been reluctant to aid their overseer, but had simply sought to escape punishment, they might have made use of the manifold opportunities to feign ignorance or innocence that the circumstances appear to have provided them. Indeed, the literature abounds with evidence of the improvisational ingenuity and day-to-day resourcefulness of slaves in the Old South that attests to the “practical” viability of this option.

But the Johns did not ignore their overseer. Instead, they apparently went to great lengths to protect him. And when their efforts failed, they again went to great lengths to expose Daniel as his assailant. Do their actions suggest that the Johns felt “enjoyment or even contentment” with the conditions of their bondage?<sup>71</sup> Of course not. But they do indicate that the two slaves passed up some, if not many, of the “practical choice[s]” at their disposal in order to instead engage in *inverted* resistance. Practicality, it seems, did not play a decisive role in their decision to protect their overseer and denounce a fellow slave.

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<sup>71</sup> Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 89.

# 6

## The Trial of Cain<sup>72</sup>

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Since the slave viewed all whites as enemies, his master as a tyrant, and himself as being without protection before the law, he generally developed a strong sense of loyalty to all blacks. [Frederick] Douglas wrote that the slaves on his plantation: “were as true as steel, and no band of brothers could have been more loving. There were no mean advantages taken of each other, as is sometimes the case where slaves are situated as we were, no tattling; no giving each other bad names...; and no elevating one at the expense of the other... We were generally a unit and moved together.” Masters frequently noted the sense of community in the quarters; they reported that slaves usually shared their few goods, rarely stole from each other, and the strong helped the weak. Whitemarsh Seabrook [a South Carolinian planter and politician] asserted in 1834 that “between slaves on the same plantation there is a deep sympathy of feeling which binds them so closely together that a crime committed by one of their number is seldom discovered through their instrumentality.”<sup>73</sup>

John Blassingame, *The Slave Community*

In late November 1852, a slave named Jane of Henry County went to bed early after complaining of “back pain” and “head aches” for most of the day. Rarely one to make a fuss, however, word of Jane’s uncharacteristic “sickness” spread quickly throughout the plantation. Upon hearing the news, many of her fellow slaves took it as confirmation of a long-held suspicion. For several months, they had watched with quiet curiosity as Jane’s waistline steadily expanded, despite her air of nonchalance. Now, they guessed her time had finally arrived—she would soon have a child.

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<sup>72</sup> Jury inquest log for the trial of Cain, Henry County Commonwealth Causes, January, 1853; Henry County Court Order Books, 1853.

<sup>73</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 315.

By nightfall of the same day, a crowd had gathered at the bedridden slave's house to offer support. Among the onlookers were Cain, an older slave who "claimed Jane as his daughter," and Will, a slave who most believed was the "father of Jane's [soon-to-be delivered] child." The crowd lingered until Jane began "crying" and "groaning" late in the evening. Many among them assumed that "she would soon have a child" and departed for their rooms, content that Jane was "in the hands of her maker." By midnight, the crowd had almost entirely dispersed. Only a few of Jane's close friends remained to help her through the long night.

At sunrise the following day, many on the plantation were abuzz with anticipation. Yet those eagerly awaiting their first sight of Jane's newborn were left strangely unfulfilled. For when Jane emerged the next morning, she did so without a child—and without a forthcoming explanation for its absence. According to several witness accounts, there were "plain signs of blood on the floor, about [Jane's] bed, and on the rocks at the corner of her house." Moreover, many noted that she already appeared noticeably smaller in size. Yet when pressed on the subject by her fellow slaves, Jane remained evasive.

It did not take long for word of Jane's mysterious delivery to reach her master, Peyton Gravely, who decided to investigate the matter. According to his own account, Gravely "saw signs about the house [Jane] lodged in of Blood in Several places." But when he questioned her, she "denied having had a child"—instead, sidestepping the inquiry by insisting that she "wanted to go out to work." Yet Gravely, according to his own account, was unconvinced. He had long "believed from [Jane's] appearance that she was pregnant" and was not yet prepared to put the matter to rest. As the days passed, he watched closely as his formerly ballooning slave shrunk down to size, until eventually he concluded that she had been "delivered of the child and had made away with it by some means."

Although the child's disappearance could have occurred from innocuous causes—a stillbirth, perhaps, or complications in the delivery that resulted in the child's death—the worst of Gravely's suspicions were stoked by a slave named Judith. She alleged that, in the buildup to Jane's delivery, Cain, Jane's reputed father, had ominously warned that "if Jane was with child, it should not be so." Moreover, according to Judith, Cain had been restless on the night of Jane's alleged delivery and had "threatened and talked about fighting" other slaves who discussed her pregnancy.

Thus, four weeks later, when a slave named Henry reported finding an infant's corpse stashed outside an abandoned building nearby, Gravely's imagination was primed for the worst. He immediately suspected Cain and Jane of foul play and sent word to the county coroner requesting an investigation. Hours after receiving Gravely's letter, the coroner notified the Henry County constable, calling for the formation of a coroner's jury.

*To John F. Petigo Constable of Henry County*

*You are required to Summon twelve jurors of the County of Henry to attend*

*before me, a coroner of the said county, at the tan yard<sup>74</sup> near the dwelling house, on the premises of Peyton Gravely in said County at the hour of 9 O'Clock on the 2nd day of January 1853 to inquire upon and view the body of an infant there lying dead, when, how and by what means the said infant came to its death. Given under my hand this 1st day of January 1853.*

*William L. Hamlite, Coroner of Henry County Va.*

The following day twelve jurors, the constable, and the coroner arrived at the Gravely plantation. Peyton Gravely and twenty-nine of his slaves underwent extensive interviews. But aside from Judith, all twenty-nine were conspicuously closed-mouthed about the events surrounding Jane's pregnancy. Though as many as eleven of the interviewees had been in the same room as Jane at some point during the night of her suspected delivery, none provided clear answers to the inquisitors. One slave, Hamilton, admitted that Jane "must have had a child," but insisted that he "[did] not know what became of [it]." Another, Martia, claimed to have "slept all night" in the same room as Jane. But, like Hamilton, she too did not "know what she done with the child." Fontaine had also "staid all night" in the room, but he had never heard "that Jane had a child." Another, Thena, said she had "slept soundly" in the room with Jane that night, but had seen "no evidence of Jane's having had a child." Peter assured the jurors he "[d]idn't know how the child" had disappeared. And Lester, too, "knew nothing about the child" nor had he heard "[any]one say how" it died.

Upon further questioning, however, both Peter and Lester vaguely insinuated that Will, the alleged father of child, might have been involved in its disappearance—but neither cited any specifics. Moreover, to make matters worse for the jurors, Peter's and Lester's faint insinuations hardly passed their lips before being obfuscated by the next two interviewees, George and Caroline. Both witnesses stated they were not even sure Jane had been pregnant. And their statements were bolstered by a third interviewee, Aggy, who claimed that "Jane had menstruated 3 or 4 months before like the other women" and had "had no milk in her breasts."

When the jurors shifted their focus away from Jane and, instead inquired about their primary suspect, Cain, they received similarly ambiguous answers. Fontaine, when questioned, assured the jurors that he had not heard Cain make any of the threatening comments alleged by Judith. Lester, too, said that he had heard "no threats" made by Cain toward the other slaves. And another slave, Caroline, insisted that she had "never heard Cain say anything about [Jane] being pregnant" nor had she heard Cain "curse negroes for talking about it."

Afterward, Cain himself was called to face the coroner's jury. He told them "that he did not know how the child" had died, nor had he heard of anyone "help[ing] [to] destroy the child." He said he had "never asked Jane whether she had had a child," though he

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<sup>74</sup> "[T]an yard" refers to the area outside the abandoned tannery where the infant's corpse was discovered.



admitted that he “supposed [she] had a child, but [he] did not know what became of it.”

After Cain, twelve more slaves were interviewed. From their accounts, the jurors may finally have hazarded a guess as to why the events surrounding Jane’s pregnancy were clouded in such obscurity. For, according to the remaining interviewees, Cain had a reputation among Gravelly’s slaves:

**Judy**

*He (Cain)<sup>75</sup> come in the first time I saw him after supper about common bed time. I had not gone to bed when he come in... I never asked him if he went away. I am not afraid of Cain. I believe that Cain can conjure people. I have said so before. I have never seen anything in his possession to conjure with. I believe he would conjure me, (or any other person) if I were to tell anything on him. Sometimes when the fire goes out he comes to bed, but did not do it that night... I did not see him until breakfast next morning. He frequently went out, during the nights... he went out on Wednesday night, without letting me know. He said that he went to Willis Gravelly’s.*

**Edmund**

*I am not afraid of Cain. I think that he can conjure people so as to injure them. I think that if I was to tell anything on him he could trick me so as to kill me, and believe he would do it. If I was to tell anything on Cain, I should stand in dread. I reckon that I left home about 8 or 9 o’clock on Thursday night. We asked for Will, and Cain said that he had sent Will off, who would be back directly. I did not see him at Home that night. I saw Will at Ben Gravelly’s. He didn’t speak to any of us. He was sitting down like he was asleep with his hands over his face. Whenever I notice, Cain keeps a fire in the house where he sleeps.*

**Ned**

*I left Cain that Thursday night, where we shucked corn. I did not see nor hear Cain come. I saw him next morning about day. I don’t believe that Cain can trick a person. If he was mad with me, I wouldn’t take a dram or anything else that he offered.*

**Tabitha**

*I never heard of Jane’s being sick until about a week afterwards. Will passed about the time the white folks were eating and said that he was going towards Peyton Gravelly’s. I did not see any other person that night. I did not see Cain that night. I think he can trick me, without seeing me. I believe he knows what I am now saying. If I knew anything about him I should be afraid to tell it.*

**Isaac**

*I heard of Jane sick at the time mentioned. I did not see Will or Cain that night.*

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<sup>75</sup> This and all other parentheticals included in this citation come directly from the document.

*I don't believe Cain is a conjurer.*

**Sydney**

*I heard of Jane being sick. I don't think I saw Cain or Will. I have heard that Cain is a conjurer. I don't believe that any person is a conjurer.*

**Fayette**

*I heard of Jane's having a child one thursday. I saw Will early that night, he passed by the kitchen. He come to my mother's some time that night. He went off and said he was going home. That happened before Shaney went to Peyton Gravely's. I did not see him any more that night. I didn't see Cain that night. I don't believe Cain is a conjurer.*

**Margaret (belonging to Polly Dyer)**

*I heard that Jane had a child at Peyton Gravely's. I heard Cain say that Jane was not in the family way. I heard Cain swear that if she was, no person would ever see the child. In the night that the girl was supposed to have the child, Cain said that he had not sent Will off. Cain come in the kitchen some time after supper and asked me if Will had come. He went directly afterwards. I didn't see him any more until about day next morning. He asked me if Will had come in on Thursday night before the balance of the negroes got something to eat and left. He said that he was going back to the corn pile. I will not tell a lie on Cain. I am not mad with him.*

**Anthony**

*I don't know how the infant come to be in the Tan vat.<sup>76</sup> I was not at home on the night Jane was supposed to have the child. I didn't see Will or Cain that night. I have heard Cain say that the girl was not in the family way.<sup>77</sup> I think he would try to hurt a person that would say anything about him. Cain and Will were great friends all the years.*

**Evidence of Hamilton**

*I am not afraid of Cain. But I believe he would hurt me if he could if I were to tell anything on him.*

**Marsha**

*I believe that Cain can conjure me if he will, so as to injure me and believe he would do it if he knew I told anything on him. I believe he could injure me at a distance. Cain has been in the habit of visiting Peyton Gravely's frequently. He was not there that week as I know of. I didn't see him that night (the Thursday night that Jane was charged with having the child). Neither do I have any reason to suppose that he was about. I believe he is a conjurer. I believe he*

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<sup>76</sup> The vat located outside the abandoned tannery in which the infant's corpse was discovered.

<sup>77</sup> This phrase likely refers to a state of pregnancy.

*knows what I am now saying, though he is not present. Jane was in the habit of going out with Cain frequently. Will was present on the night before mentioned and was sitting next to Jane.*

*I did not witness of his injuring anyone.*

*I did not have reason to believe Cain was there. I believe he is possessed of the power to destroy me if I say anything against him.*

***Sheeney***

*I am afraid of Cain. I believe that Cain is a conjurer.*

After the inquest, a warrant was signed for the arrest of Jane, Will, and Cain. The three slaves were charged with infanticide—Cain as the “principal” offender, and Will and Jane as his accessories. Less than two weeks later, all three stood trial consecutively in The Henry County Courthouse. But the prosecutor’s efforts proved unsuccessful. All three were found not guilty and discharged from custody.

## Interpretive Remarks

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Cain’s jury inquest provides vivid insight into the mental calculus of *inverted* resistance. In frank detail, Gravelly’s slaves revealed how they weighed the risks of informing on Cain. Some expressed reluctance to implicate him; others fear. Some refrained from mentioning Cain’s conjuring entirely—perhaps, again, from fear. And still others insisted that they were unafraid, even incredulous, of the slave’s alleged supernatural abilities. Whatever their motives, however, ultimately none of Gravelly’s slaves provided evidence damning enough to convict Cain, Will, or Jane of infanticide. Indeed, most of their accounts appear almost comically obtuse—especially given how intimately involved many of them were with the incident.

In his book, *The Slave Community*, Blassingame refers to a “code” of secrecy among slaves exemplified by “the common front [they] presented when dealing with their masters.”<sup>78</sup> In describing the “code,” Blassingame invokes the words of a Georgian planter, who in 1842 observed:

The Negroes are scrupulous on one point; they make common cause, as servants,

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<sup>78</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 314-316.

in concealing their faults from their owners. Inquiry elicits no information; no one feels at liberty to disclose the transgressor; all are profoundly ignorant; the matter assumes the sacredness of a “professional secret”: for they remember that they may hereafter require the same concealment of their own transgressions from their fellow servants, and if they tell upon them now, they may have the like favor returned them; besides, in the meanwhile, having their names cast out as evil from among their brethren, and being subjected to scorn, and perhaps even personal violence or pecuniary injury.<sup>79</sup>

Blassingame follows the planter’s quote with a one-sentence caveat—one of the rare admissions in his book that the slave community was not always defined by a “strong sense of loyalty to all blacks.”<sup>80</sup> He writes: “The code, of course, was not perfect; some slaves, especially house servants, could not be trusted.”<sup>81</sup>

Although Blassingame never specifies what he means by “not perfect,” his wording carries the implication that the “code” was seldom broken by slaves. Exactly how he arrives at this estimation, however, is uncertain; he offers no footnote. It is likely, though, that he depended “heavily” on “sources left by slaves” and former slaves—“especially autobiographies”—for evidence, as is outlined in his “Critical Essay on Sources” in *The Slave Community*.<sup>82</sup> But whether such sources provide reliable documentation of the near-perfection of the slave “code” is doubtful. As Stamppp reminds us, the “difficulty of determining the truth from [first-hand] witnesses [to slavery], Negro and white,” arises from the fact that their “candor was rarely uncompromised by internal emotions or external pressures.”<sup>83</sup>

In stark contrast to Blassingame’s assertion, the evidence I gathered in preparing this study suggests that slaves of diverse statuses, backgrounds, and time periods felt very much “at liberty to disclose the transgressor[s]” in their midst. Of the forty-four trials I examined, thirty-seven featured slaves who, as the literature would have it, profaned the “sacredness” of the “code” and incriminated their fellow sufferers. Twenty-seven of those thirty-seven trials featured slaves who served as the principal accuser against another slave. In eighteen of the thirty-seven proceedings, more than half of the witnesses who testified were slaves. In twelve, all but one were slaves. And in four trials, every witness was a slave (the appendix contains tables of all of this data). Each of these trials, it should be noted, resulted in a death sentence (though some of those sentences were later commuted).

Cain’s trial is an important exception—one worth mentioning despite the fact that it

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<sup>79</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 315.

<sup>80</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 314.

<sup>81</sup> John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 315.

<sup>82</sup> These quotes come from Blassingame’s “Critical Essay on Sources.” John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York, 1979), 367.

<sup>83</sup> Kenneth M. Stamppp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 74.

is not among the trials that form the basis of this study (because it was neither a “convictional” crime nor did not result in a sentence of capital punishment).<sup>84</sup> Unlike any of the forty-four trials that make up this study, the slaves involved in Cain’s trial seem to have truly embodied the “common front” of “profoun[d] ignoran[ce]” supposedly characteristic of the slave “code.” The coroner’s jury probed, but “inquiry elicited no information,” or at least very little. When all was said and done, none of the slaves interviewed provided incriminating evidence sufficient to prove the charge of infanticide. In fact, seventeen conspicuously evasive interviews passed before any slave even accused Cain of conjuring. Once the accusation was aired, however, each of the remaining interviewees addressed it directly. Although there is no record of the questions asked by the jurors, the pattern indicates that once word of Cain’s reputation emerged, the jurors probed each remaining interviewee specifically about his conjuring. And the fact that all twelve had some knowledge of a subject so germane to the investigation seems no mere coincidence. It suggests that the first slaves interviewed intentionally avoided the topic.

It is doubtful, however, that the “profoun[d] ignoran[ce]” of Gravelly’s slaves—if it were in fact deliberate—stemmed from a “loving” desire to shield a fellow slave from prosecution. Rather, self-preservation appears to have been the more likely motive. Nine of the twelve interviewees who discussed Cain’s conjuring seem to have believed, as one admitted, that “[Cain] would hurt me if he could if I were to tell anything on him.” One interviewee, Marsha, confessed, “I believe he knows what I am now saying, though he is not present” and insisted that Cain could “conjure [her] at a distance”—suggesting a belief that imprisonment, or even death, would not prevent his retaliation. Perhaps Edmund’s words best encapsulate the shared feelings of many of his fellow slaves: “If I was to tell anything on Cain, I should stand in dread.” Yet, importantly, many of those who feared Cain’s power to “trick,” “injure,” or even “kill” them also insisted that they were “not afraid of Cain”—a contradiction which suggests they felt safe in the knowledge that they had not betrayed the dangerous slave.

In this regard, Cain’s case is seemingly unusual. Unlike any of the trials that form the basis of this study, it appears that most of the slaves involved viewed engaging in *inverted* resistance as a truly dreadful prospect. One can imagine the warnings that might have been whispered throughout the slave quarters of the Gravelly plantation after the disappearance of Jane’s child: “Don’t say anything about Jane or Cain, or else.” Even those unconvinced of Cain’s supernatural abilities might well have deferred to the consensus of their fellow slaves and kept quiet.

Gravelly’s slaves did not, however, entirely “conceal [Cain’s] faults from their owner.” After all, they openly accused him of being a dangerous conjurer. But, importantly, each seemed to understand where to draw the line. None, not even the hostile Judith, expressly incriminated him. And, ultimately, Cain, Will, and Jane were acquitted.

Does the outcome suggest that slaves only upheld the “code” of secrecy for fear of

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<sup>84</sup> The introduction outlines the list of criteria used to select the trials that make up this study.

“personal violence or pecuniary injury,” and never from a desire to make “common cause” with their fellow slave? Certainly not. Still, the underlying message feels eerily Machiavellian. For Cain, at least, the philosopher’s maxim appears to have been proven resoundingly true: it was better to be feared than loved. Indeed, it seems it was precisely this power to make his fellow slaves “stand in dread”—and not the “loving” “loyalty” of a “band of brothers”—which allowed Cain, Will, and Jane to escape criminal punishment for infanticide.

## A Parting Note

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Over half a century ago, Kenneth Stampp wrote:

The record of slave resistance forms a chapter in the story of the endless struggle to give dignity to human life. Though the history of southern bondage reveals that men can be enslaved under certain conditions, it also demonstrates that their love of freedom is hard to crush. The subtle expression of this spirit, no less than the daring thrusts for liberty, comprise one of the richest gifts the slaves have left to posterity. In making themselves "troublesome property," they provide reassuring evidence that slaves seldom wear their shackles lightly.<sup>85</sup>

It is sometimes easy to forget that liars, informers, collaborators, perjurers, and betrayers also form an inextricable part of the "chapter in the story of the endless struggle to give dignity to human life." And although their stories may not be as uplifting nor as "reassuring" as others in the scholarship, the "gifts [that they] have left to posterity" are no less rich. For they remind us of a truth that ought not be lost in our desire to compassionately render "the history of southern bondage": that despite the righteousness of its cause, "the endless struggle to give dignity to human life" was, and remains, a human struggle—an all too human struggle.

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<sup>85</sup> Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 91.

## Appendix

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*All Trials Resulting in Capital Punishment: Bedford, Henry, Halifax, and Pittsylvania, 1780-1865*

<i>Name of Defendant</i>		<i>Date</i>	<i>County</i>	<i>Alleged Crime</i>	<i>Apparent Authenticity of Crime</i>	<i>Witness Composition (Slave/Total)</i>	<i>Principal Accuser</i>	<i>Slave(s) Incriminated</i>
1	Winn	May, 1787	Henry	Arson	No Extant Record	--	--	--
2	Tom	July, 1800	Henry	Murder	No Extant Record	--	--	--
3	Tom	February, 1812	Henry	Theft	Pled Guilty*	--	--	--
4	Jenny	April, 1836	Henry	Arson	Authentic	2 / 3	Slave	Yes
5	Nelson	March, 1842	Henry	Attempted Murder	Exaggerated	1 / 9	White	Yes
6	George	March, 1842	Henry	Attempted Murder	Exaggerated	1 / 9	White	Yes
7	Sam	February, 1843	Henry	Murder	Authentic	0 / 4	White	No
8	Jack	January, 1853	Henry	Murder	Wrongfully Accused*	1 / 12	Slave	Yes
9	Richard	March, 1859	Henry	Poisoning	Authentic	4 / 11	Slave (Under Torture)	Yes
10	Harry	March, 1859	Henry	Poisoning	Authentic	4 / 11	Slave (Under Torture)	Yes
11	Daw	March, 1859	Henry	Poisoning	Authentic	4 / 11	Slave (Under Torture)	Yes
12	Jack	March, 1804	Bedford	Murder	Authentic	1 / 8	White	Yes
13	Solomon	August, 1805	Bedford	Poisoning	Authentic	5 / 6	Slave	Yes
14	Abram	February, 1812	Bedford	Murder	Authentic	1 / 6	Slave	Yes
15	Lewis	October, 1812	Bedford	Theft	Authentic	0 / 6	White	Yes
16	Matt	December, 1813	Bedford	Murder	Authentic	0 / 5	White	Yes
17	Harry	October, 1825	Bedford	Murder	Exaggerated	2 / 13	White	Yes
18	Alex	September, 1829	Bedford	Murder	No Extant Record	--	--	--
19	Ned	October, 1831	Bedford	Conspiracy to Murder	Exaggerated	6 / 7	Slave & White	Yes
21	Pleasant	September, 1833	Bedford	Theft	Authentic	1 / 3	Slave	Yes
20	Nancy	August, 1835	Bedford	Arson	Authentic	4 / 10	Slave	Yes
22	Judy	September, 1837	Bedford	Conspiracy to Poison	Framed	6 / 9	Slave	Yes
23	Frances	September, 1837	Bedford	Conspiracy to Poison	Framed	6 / 9	Slave	Yes
24	Fariss	February, 1856	Bedford	Murder	No Extant Record	--	--	--
25	Jane	June, 1858	Bedford	Murder	Authentic	0 / 7	White	
26	Jim	January, 1860	Bedford	Murder	Authentic	2 / 12	Slave	Yes
27	Tom	October, 1861	Bedford	Attempted Murder	Authentic	--	--	--

Continued...

*All Trials Resulting in Capital Punishment: Bedford, Henry, Halifax, and Pittsylvania, 1780-1865*

<i>Name of Defendant</i>	<i>Date</i>	<i>County</i>	<i>Alleged Crime</i>	<i>Apparent Authenticity of Crime</i>	<i>Witness Composition (Slave/Total)</i>	<i>Principal Accuser</i>	<i>Slave(s) Incriminated</i>
28 Roger	April, 1787	Pittsylvania	Plotting to Poison	Framed	No Extant Transcript*	Slave	Yes
29 Beck	March, 1799	Pittsylvania	Murder	No Extant Record	--	--	--
30 Solomon	March, 1799	Pittsylvania	Murder	No Extant Record	--	--	--
31 Hampton	November, 1801	Pittsylvania	Arson	Pled Guilty	--	--	--
32 Amey	January, 1806	Pittsylvania	Conspiracy to Poison	Framed	1 / 2	Slave	Yes
33 Tom	January, 1806	Pittsylvania	Conspiracy to Poison	Framed	1 / 2	Slave	Yes
34 Isaac	February, 1807	Pittsylvania	Theft	Authentic	0 / 3	White	
35 John	April, 1813	Pittsylvania	Theft	No Extant Record	--	--	--
36 Shadrach	July, 1818	Pittsylvania	Conspiracy to Murder	Authentic	4 / 4	Slave	Yes
37 Squire	July, 1818	Pittsylvania	Murder	Authentic	0 / 2	Slave	Yes
38 Joe	July, 1818	Pittsylvania	Murder	Authentic	1 / 2	Slave	Yes
39 Jere	December, 1835	Pittsylvania	Murder	Authentic	5 / 13	Slave	Yes
40 Chester	July, 1836	Pittsylvania	Murder	Exaggerated	2 / 12	White	Yes
41 Sancho	April, 1802	Halifax	Insurrection	Authentic	2 / 2	Slave	Yes
42 Frank	April, 1802	Halifax	Insurrection	Authentic	2 / 2	Slave	Yes
43 Absolom	April, 1802	Halifax	Insurrection	Authentic	2 / 3	Slave	Yes
44 Martin	April, 1802	Halifax	Insurrection	Authentic	2 / 3	Slave	Yes
45 Abram	April, 1802	Halifax	Insurrection	Authentic	2 / 3	Slave	Yes
46 John	April, 1802	Halifax	Exhibiting Poison	Wrongfully Accused	0 / 8	White	No
47 Hampton	August, 1843	Halifax	Attempted Murder	Authentic	2 / 7	White	Yes
48 Daniel	June, 1847	Halifax	Murder	Authentic	6 / 9	Slave	Yes
49 Bob	June, 1849	Halifax	Attempted Murder & Theft	Authentic	1 / 14	White	Yes
50 Sandy	January, 1857	Halifax	Murder	Authentic	0 / 3	White	No
51 Simon	September, 1863	Halifax	Attempted Murder & Theft	Framed	3 / 17	Slave	Yes
52 John	September, 1863	Halifax	Attempted Murder & Theft	Likely Authentic	No Extant Transcript	Unknown	Yes

*Total Extant Trials: 44/52*

\* Authenticity uncertain.

*Extant Crimes Involving Multiple Slave Participants and Resulting in Capital Punishment: Bedford, Henry, Halifax, and Pittsylvania, 1780-1865*

	<i>Name of Defendant</i>	<i>Date</i>	<i>County</i>	<i>Alleged Crime</i>	<i>Principal Accuser</i>	<i>Additional Slaves Incriminate</i>	<i>Betrayed by Cohort(s)</i>
1	Sancho	April, 1802	Halifax	Conspiring Insurrection	Slave	Yes	Yes
2	Frank	April, 1802	Halifax	Conspiring Insurrection	Slave	Yes	Yes
3	Absolom	April, 1802	Halifax	Conspiring Insurrection	Slave	Yes	Yes
4	Martin	April, 1802	Halifax	Conspiring Insurrection	Slave	Yes	Yes
5	Abram	April, 1802	Halifax	Conspiring Insurrection	Slave	Yes	Yes
6	Amey	January, 1806	Pittsylvania	Poison	Slave	No (Fabricated)	--
7	Tom	January, 1806	Pittsylvania	Poison	Slave	No (Fabricated)	--
8	Shadrach	July, 1818	Pittsylvania	Conspiracy to Murder	Slave	Yes	Almost Certainly
9	Squire	July, 1818	Pittsylvania	Conspiracy to Murder	Slave	Yes	Yes
10	Joe	July, 1818	Pittsylvania	Conspiracy to Murder	Slave	Yes	Yes
11	Nelson	March, 1842	Henry	Attempted Murder	White	Yes	No
12	George	March, 1842	Henry	Attempted Murder	White	Yes	No
13	Pleasant	September, 1833	Bedford	Theft	Slave	Yes	Yes
14	Judy	September, 1837	Bedford	Poison	Slave	Yes (Fabricated)	--
15	Frances	September, 1837	Bedford	Poison	Slave	Yes (Fabricated)	--
16	Richard	March, 1859	Henry	Poisoning	Slave (Under Torture)	Yes	Yes (Under Torture)
17	Harry	March, 1859	Henry	Poisoning	Slave (Under Torture)	Yes	Yes (Under Torture)
18	Daw	March, 1859	Henry	Poisoning	Slave (Under Torture)	Yes	Yes (Under Torture)
19	Jim	January, 1860	Bedford	Murder	Slave	Yes	Yes
20	Simon	September, 1863	Halifax	Attempted Murder & Theft	Slave	Yes (Fabricated)	--
21	John	September, 1863	Halifax	Attempted Murder & Theft	Unknown	Yes	Likely (But Uncertain)